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THE HISTORICAL SOCIETY  
OF MONTANA  
HELENA, MONTANA

# HOUSE JOURNAL

OF THE

## TENTH SESSION

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

## TERRITORY OF MONTANA,

BEGUN AT HELENA, THE CAPITAL OF SAID TERRITORY, ON THE EIGHTH  
DAY OF JANUARY, A. D. 1877, AND CONCLUDED ON THE  
SIXTEENTH DAY OF FEBRUARY, A. D. 1877.

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PUBLISHED BY AUTHORITY.

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DAILY AND WEEKLY HERALD,  
HELENA, MONTANA:  
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THE HISTORICAL SOCIETY  
OF MONTANA  
HELENE, MONTANA

EGBERT, FIDLAR, & CHAMBERS,  
PUBLISHERS, PRINTERS, AND BINDERS,  
DAVENPORT, IOWA.



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TENTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA.

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HOUSE JOURNAL.

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FIRST DAY.

HOUSE OF REPRESENTATIVES, }  
January 8th, 1877. }

The House met in pursuance of law, and was called to order by A. H. Barret, Chief Clerk of the Ninth Legislative Assembly.

The roll of members-elect was called, when the following members appeared and answered to their names, to-wit:

*From the County of Madison*—Sam. Word, H. S. Howell, H. H. Mood, and R. O. Hickman.

*From the County of Jefferson*—H. F. Galen and J. G. Sanders.

*From Gallatin County*—R. P. Vivion and D. P. Robbins.

*From Jefferson and Gallatin Counties (jointly)*—Edwin M. Batchelder.

*From Meagher County*—H. B. Brainard and Lewis Rotwitt.

*From Chouteau County*—Wm. A. Thompson.



*From Lewis and Clarke County*—Walter F. Chadwick, Wilbur F. Sanders, Jos. Davis, and Nick Kessler.

*From Deer Lodge County*—J. C. Robinson, A. E. Mayhew, J. A. Hyde, James McElroy, and B. T. Porter.

*From Missoula County*—W. J. McCormick, James A. Dixon, Frank C. Ives.

*From Beaver Head County*—A. C. Witter.

On motion of A. E. Mayhew, Chief Justice D. S. Wade was introduced and administered the oath of office to the members present.

On motion of Mr. Mayhew, W. F. Chadwick was elected Speaker *pro tem*.

On motion, A. H. Barret was elected Chief Clerk *pro tem*.

On motion of Mr. Howell, Wm. Deasey was elected Sergeant-at-Arms *pro tem*.

On motion of Mr. Sanders (of Lewis and Clarke), John O'Mara was elected Doorkeeper *pro tem*.

On motion, Messrs. Robinson, McCormick, Sanders (of Jefferson), Kessler, and Witter were appointed as a Committee on Credentials.

The chairman of the Committee on Credentials reported as follows :

MR. SPEAKER:—Your Committee on Credentials beg leave to report that credentials in proper form have been presented, showing that the following persons have been elected members of this House of the Legislative Assembly, and are entitled to seats therein, as follows, to-wit :

*From the County of Madison*—Samuel Word, Richard O. Hickman, Horatio S. Howell, Henry H. Mood.

*From the County of Beaver Head*—Aaron C. Witter.

*From the County of Deer Lodge*—Alexander E. Mayhew, Benjamin T. Porter, John C. Robinson, James McElroy, Joseph A. Hyde.

*From the County of Missoula*—Washington J. McCormick, Frank C. Ives, James A. Dixon.

*From the County of Lewis and Clarke*—Walter F. Chadwick, Wilbur F. Sanders, Joseph Davis, George Steele, Nicholas Kessler.

*From the County of Jefferson*—Hugh F. Galen, Junius G. Sanders.

*From the County of Gallatin*—Robt. P. Vivion, Daniel P. Robbins.

*From the Counties of Gallatin and Jefferson*—Edwin M. Batchelder.

*From the County of Meagher*—Henry B. Brainard, Lewis Rotwitt.

*From the County of Chouteau*—William A. Thompson.

All of which is respectfully submitted.

J. C. ROBINSON, *Chairman*.

Mr. Sanders (of Lewis and Clarke) moved to adjourn to 10 o'clock A. M., to-morrow.

Which motion was lost.

On motion of Mr. Sanders (of Lewis and Clarke), the House took a recess until 3 o'clock this P. M.

---

3 O'CLOCK P. M.—The House resumed—Mr. Speaker *pro tem.* in the chair.

Roll called—absent George Steele and Sam. Word.

On motion of Mr. Robinson, it was

*Resolved*, That this House will now proceed to elect from its members a Speaker.

On motion of Mr. Sanders (of Lewis and Clarke), it was resolved to cast the vote for Speaker by ballot.

On motion of Mr. Vivion, a call of the House was ordered.

Roll called—Messrs. Steele and Word absent.

Mr. Word was reported in his seat.

On motion of Mr. Sanders (of Lewis and Clarke), a further call of the House was dispensed with.

Nominations for Speaker being in order, Mr. Robinson nominated A. E. Mayhew, of Deer Lodge; Mr. Vivion nominated Sam. Word, of Madison; Mr. Sanders (of Lewis and Clarke) nominated R. O. Hickman, of Madison.

On motion of Mr. McCormick, Messrs. Brainard and Batchelder were appointed tellers.

The House then proceeded to ballot. Mr. Mayhew received eleven votes, Mr. Word received seven votes, and Mr. Hickman received seven votes.

Thirteen votes necessary to a choice.

There being no choice, the House proceeded to a second ballot, Mr. Mayhew receiving eleven votes, Mr. Word seven votes, and Mr. Hickman seven votes.

There being no choice, the House proceeded to a third ballot, which resulted in Mr. Mayhew receiving eleven votes, Mr. Word seven votes, and Mr. Hickman seven votes.

No choice.

On motion of Mr. Sanders (of Lewis and Clarke), the House adjourned to 10 o'clock A. M., to-morrow.

W. F. CHADWICK,

*Speaker pro tem. of the House of Representatives.*

*Attest: A. H. BARRET, Chief Clerk pro tem.*



## SECOND DAY.

HOUSE OF REPRESENTATIVES, }  
January 9th, 1877. }

The House met pursuant to adjournment—Mr. Speaker *pro tem.* in the chair.

Roll called—quorum present.

Absent—George Steele.

Journal of yesterday read and approved.

On motion of Mr. Mayhew, Bennie Roberts was elected Messenger *pro tem.*

The House then proceeded to ballot a fourth time for Speaker. Mr. Mayhew received eleven votes, Mr. Word seven votes, and Mr. Hickman seven votes.

There being no choice, the House proceeded to ballot a fifth time. Mr. Mayhew received eleven votes, Mr. Word received seven votes, and Mr. Hickman received six votes.

There being no choice, a sixth ballot was taken, which resulted in Mr. Mayhew receiving eleven votes, Mr. Word seven votes, and Mr. Hickman eight votes.

The seventh ballot was taken, with a like result.

There being no choice, the House proceeded to ballot, with a like result.

And on the ninth ballot, Mr. Mayhew received eleven votes, Mr. Word eight votes, and Mr. Hickman seven votes.

No choice.

On motion of Mr. Sanders (of Lewis and Clarke), the House took a recess until 2 o'clock P. M.

2 O'CLOCK P. M.—The House resumed—Mr. Speaker *pro tem.* in the chair.

Roll called—quorum present.

Mr. Mayhew moved, that upon a call of the House, it shall be sustained by three members.

Mr. Vivion moved to amend by inserting "one" instead of "three," unless objections were made; then it shall require three members. Carried.

The motion was then adopted as amended.

The House then proceeded to ballot for Speaker, which resulted in Mr. Mayhew's receiving eleven votes, Mr. Word seven votes, and Mr. Hickman eight votes.

There being no choice, the House proceeded to ballot the eleventh time, with the following result: Mr. Mayhew received ten votes, Mr. Word seven votes, Mr. Hickman eight votes, and Mr. Sanders one vote.

Mr. McCormick moved to take a recess until 4 o'clock P. M.

Motion lost.

The House then proceeded to a twelfth ballot, which resulted in A. E. Mayhew receiving nine votes, Sam. Word seven, R. O. Hickman eight, W. F. Chadwick one, and W. F. Sanders one.

There being no choice, the thirteenth ballot was taken. Mr. Mayhew received ten votes, Mr. Word eight votes, Mr. Hickman six votes, Mr. Davis one vote, and W. F. Sanders one vote.

There being no choice, Mr. Rotwitt moved that the House do now adjourn to 10 o'clock A. M., to-morrow.

Which motion prevailed.

W. F. CHADWICK,

*Speaker pro tem. of the House of Representatives,*

*Attest:* A. H. BARRET, *Chief Clerk.*

## THIRD DAY.

HOUSE OF REPRESENTATIVES, }  
January 10th, 1877. }

The House met pursuant to adjournment—Mr. Speaker *pro tem.* in the chair.

Roll called — members all present.

Journal of yesterday read and approved.

The House then proceeded to ballot the fourteenth time for Speaker. Mr. Mayhew received eleven votes, Mr. Word six votes, Mr. Hickman eight votes, W. F. Sanders one vote.

There being no choice, the fifteenth ballot was cast, and Mr. Mayhew received twelve votes, Mr. Word nine votes, Mr. Hickman, two votes, W. F. Sanders one vote, and Mr. Dixon two votes.

There being no choice, on motion of Mr. Ives, the House took a recess until 11:30 o'clock A. M.

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11:30 O'CLOCK A. M.—The House resumed—Mr. Speaker in the chair.

Roll called — members all present.

The House then balloted for Speaker, Mr. Mayhew receiving thirteen votes, Mr. Word eleven, and Mr. Hickman two votes.

There being no choice, Mr. Vivion moved that the House take a recess to 4 o'clock P. M.

Which motion was lost.



The House then balloted the seventeenth time, which resulted in Mr. Mayhew's receiving thirteen votes, Mr. Word eleven votes, Mr. Hickman two votes.

There being no choice, on motion of Mr. Kessler, the House took a recess until 2:30 o'clock P. M.

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2:30 O'CLOCK P. M.—The House resumed—Mr. Speaker *pro tem.* in the chair.

Roll called—members all present.

The House then balloted the eighteenth time for Speaker, which resulted in Mr. Mayhew's receiving twelve votes, Mr. Word nine votes, Mr. Hickman three votes, Mr. Rotwitt one vote, and Mr. McCormick one vote.

There being no choice, the House then proceeded to ballot the nineteenth time, which resulted as follows: Mr. Mayhew thirteen votes, Mr. Word nine votes, Mr. Hickman three votes, Mr. Rotwitt one vote.

Mr. Vivion moved to adjourn to 10 o'clock A. M., to-morrow.

Which motion was lost.

The House then proceeded to ballot the twentieth time, and Mr. Mayhew received twelve votes, Mr. Word ten votes, Mr. Hickman three votes, and Mr. Rotwitt one vote.

There being no choice, the House, on motion of Mr. Vivion, adjourned to 10 o'clock A. M., to-morrow.

W. F. CHADWICK,

*Speaker pro tem. of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

## FOURTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 11th, 1877. }

The House met pursuant to adjournment.

Roll called—quorum present.

Mr. Robbins absent.

Journal of yesterday read and approved.

On motion of Mr. Vivion, a call of the House was ordered.

Roll called—Mr. Robbins absent.

Sergeant-at-Arms reported Mr. Robbins in his seat.

On motion of Mr. McCormick, a further call of the House was dispensed with.

The House then proceeded to ballot the twenty-first time for Speaker, which resulted in Mr. Mayhew's receiving twelve votes, Mr. Word eight votes, Mr. Hickman three votes, Mr. Chadwick one vote, Mr. Rotwitt one vote, and Mr. Batchelder one vote.

There being no choice, the twenty-second ballot was ordered.

Roll called.

Mr. Mayhew received thirteen votes, Mr. Word nine votes, Mr. Hickman three votes, and Mr. Batchelder one vote.

Twenty-six votes cast—fourteen necessary to a choice.

There being no choice, the House then balloted the twenty-third time, which resulted in Mr. Mayhew's receiving fifteen votes, Mr. Word eight votes, Mr. Hickman two votes, and Mr. Batchelder one vote.

And Mr. Mayhew having received a majority of all the votes cast, was declared duly elected Speaker of this House.

And, upon motion, a committee of three, consisting of Messrs. Robinson, Word, and Sanders, conducted Mr. Mayhew, the Speaker-elect, to the chair.

On motion of Mr. Chadwick, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Hyde, it was

*Resolved*, That the election of all officers be by ballot.

Nominations for Chief Clerk being in order, Mr. Howell nominated A. H. Barret, of Madison county.

On motion of Mr. McCormick, the rules were suspended, and A. H. Barret was elected Chief Clerk by acclamation.

On motion of Mr. Chadwick, the rules were suspended and Harry A. Lambert was elected Assistant Clerk by acclamation.

Nominations for Enrolling Clerk being in order, Mr. Brainard nominated Albert J. McKiernan; Mr. Word nominated A. H. Doughty.

On motion, Messrs. Chadwick and J. G. Sanders were appointed tellers.

The House then proceeded to ballot, and Mr. McKiernan received twenty votes, and Mr. Doughty received six votes.

Mr. McKiernan having received a majority of all the votes cast, was declared elected Enrolling Clerk of this House.



Nominations for Engrossing Clerk being next in order, Mr. Robinson nominated Clarence O. Ewing; Mr. Word nominated W. H. Southerlin; Mr. Davis nominated John N. Heldt.

There being no other nominations, the House proceeded to ballot, and Mr. Ewing received sixteen votes, Mr. Southerlin received one vote, and Mr. Heldt received nine votes.

Mr. Ewing having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of this House.

Next in order being the election of Sergeant-at-Arms, Mr. Vivion placed Stephen Bynum in nomination; Mr. Galen nominated Joseph Allen; Mr. Davis nominated J. H. McFarland; Mr. McCormick nominated Wm. Deasey.

There being no other nominations, the House then balloted with the following result: Mr. Bynum received fourteen votes, Mr. Allen one vote, Mr. McFarland seven votes, and Mr. Deasey four votes.

Mr. Bynum having received a majority of all the votes cast, was declared elected Sergeant-at-Arms.

Nominations for Doorkeeper being in order, Mr. Hyde nominated Mr. Meadow, of Meagher county; Mr. Rotwitt nominated Mr. Chas. Rheam; Mr. Word nominated Dan. Farry; Mr. Mood nominated Mr. T. M. Brooke; Mr. Witter nominated Mr. Wm. Duer; Mr. Robbins nominated Mr. D. M. Fricks; Mr. Howell nominated H. J. Johnson; Mr. Chadwick nominated Austin O'Toole; W. F. Sanders nominated Mr. Alexander; Mr. Galen nominated W. W. Webber; Mr. Vivion nominated T. E. McKoin; J. G. Sanders nominated Joe Allen.

There being no other nominations, the House proceeded to ballot. Mr. Meadow received one vote, Mr. Rheam received seven votes, Mr. Farry received four votes, Mr. Brooke received one vote, Mr. Duer received five votes, Mr. Fricks received one vote, Mr. H. J. Johnson received one vote, Mr. O'Toole received one vote, Mr. Alexander received one vote, Mr. Webber received one vote, Mr. McKoin received one vote, and Mr. Allen received two votes.

There being no choice, the House proceeded to ballot a second time, which resulted in Mr. Rheam's receiving eleven votes, Mr. Farry five votes, Mr. Duer three votes, Mr. Frieks one vote, Mr. Johnson three votes, Mr. Webber one vote, Mr. McKoin one vote, and Mr. McVeigh one vote.

There being no choice, the names of Messrs. McKoin, Duer, and Frieks were withdrawn.

The House then balloted the third time, with the following result: Mr. Rheam received eleven votes, Mr. Farry eleven votes, Mr. McVeigh two votes, and Mr. Johnson two votes.

There being no choice Messrs. Johnson and Webber were withdrawn.

The House then balloted the fourth time, Mr. Rheam receiving thirteen votes, and Mr. Farry thirteen votes.

There being no choice, Mr. McCormick moved a recess of ten minutes.

Motion lost.

The House then balloted the fifth time, which resulted in Mr. Rheam's receiving ten votes, and Mr. Farry sixteen votes.

And Mr. Farry having received a majority of all the votes cast, was declared elected Doorkeeper of this House.

Nominations for Messenger being in order, Mr. McCormick nominated Ben. R. Roberts; Mr. Steele nominated Thos. Knight; Mr. Galen nominated Jas. B. Walker; Mr. Davis nominated Hugo Frieler.

There being no other nominations, the House balloted, with the following result: Ben. R. Roberts received seventeen votes, Thos. Knight three votes, James B. Walker two votes, and Hugo Frieler four votes.

And Ben. R. Roberts having received a majority of all the votes cast, was declared duly elected Messenger of this House.

Nominations for Watchman were then made, as follows: H. McVeigh, by Mr. Hyde; W. Weber, by Mr. Galen; A. Axe, by W. F. Sanders; E. Colston, by Mr. McCormick; Geo. Reed, by Mr. Chadwick; T. M. Brooke, by Mr. Vivion; Ben. Franklin, Jr., by Mr. Hickman.

There being no further nominations, the House then proceeded to ballot, with the following result: McVeigh received thirteen votes, W. Weber received four votes, Mr. Axe received five votes, Mr. Colston received one vote, Mr. Reed received one vote, Mr. Brooke received one vote, and Ben. Franklin, Jr., received one vote.

There being no choice, the House proceeded to ballot a second time, which resulted in Mr. McVeigh's receiving fifteen votes, Mr. Weber two votes, Mr. Axe seven votes, Mr. Colston one vote, and Mr. Brooke one vote.

And Mr. McVeigh having received a majority of the votes cast, was declared elected Watchman of this House.

On motion of Mr. Chadwick, the House then proceeded to elect a Chaplain by a *viva voce* vote.

Rev. D. Morton received twelve votes, and Rev. Clark Wright received fourteen votes.

And Mr. Wright was declared duly elected Chaplain of this House.

On motion of Mr. Chadwick, the officers-elect appeared before the Governor and took the oath of office.

On motion of Mr. Hickman, the following resolution was adopted:

*Resolved*, That a committee of three be appointed by the chair to proceed to the Chamber of the Council and inform that body that the House has organized by the election of the following officers, to-wit:

*Speaker*—HON. ALEXANDER E. MAYHEW;  
*Chief Clerk*—ANTHONY H. BARRET;  
*Assistant Clerk*—HARRY A. LAMBERT;  
*Enrolling Clerk*—ALBERT J. MCKIERNAN;  
*Engrossing Clerk*—CLARENCE O. EWING;  
*Sergeant-at-Arms*—STEPHEN BYNUM;  
*Doorkeeper*—DAN. FARRY;  
*Messenger*—BENJAMIN ROBERTS;  
*Watchman*—HARRY McVEIGH;

And is now ready to proceed with the business of the session.

Messrs. Hickman, Ives, and J. G. Sanders were appointed such committee.

On motion of Mr. Sanders (of Lewis and Clarke), the following resolution was adopted:

*Resolved (the Council concurring)*, That a committee of five, consisting of two members of the Council and three members of the House, be appointed on joint rules for the government of the two Houses of the Legislative Assembly at the present session.

Messrs. W. F. Sanders, McCormick, and Vivion were appointed such committee.

On motion of Mr. Sanders (of Jefferson), the following resolution was adopted:

*Resolved*, That the members of the joint committee on rules for the government of the two Houses, report to the House of Representatives rules for the government of this House, and that until the coming in of said report the House rules of the last session be adopted as the rules of this House.

On motion of Mr. Chadwick, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*



## FIFTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 12th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. McElroy was granted leave of absence for one day.

Committee on rules reported progress.

On motion of W. F. Sanders, the House took a recess until 1:30 o'clock P. M.

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1:30 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. Davis and Mr. Porter.

Mr. Hickman, chairman of the committee to inform the Council of the permanent organization of the House, reported as follows, to-wit:

MR. SPEAKER:—We, your committee appointed to wait upon the Council, and inform that body of the organization of this House, beg leave to report that we have performed the duty assigned to us.

On motion of Mr. Howell, the report was received, and the committee discharged.

On motion of Mr. Davis, the House adjourned to 11 o'clock A. M., to-morrow.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## SIXTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 13th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. McElroy.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Council:

*Mr. Speaker, and Gentlemen of the House of Representatives:*

We are appointed a committee to wait upon and inform your honorable body that the Council has permanently organized, by the election of the following officers:

*President*—HON. W. E. BASS;

*Chief Clerk*—HARRY R. COMLY;

*Assistant Clerk*—HORACE C. LEWIS;

*Enrolling Clerk*—DAVID MARKS;

*Engrossing Clerk*—HENRY C. WILKINSON;

*Sergeant-at-Arms*—OTIS STRICKLAND ;

*Doorkeeper*—THOMAS DALY ;

*Watchman*—JOHN McCLARNON ;

*Messenger*—LUDDIE DAVIS ;

And is now ready to proceed to business.

B. H. TATEM.

THOMAS WATSON.

W. E. CULLEN.

On motion of Mr. McCormick, a committee of three was appointed, consisting of Messrs. McCormick, J. G. Sanders, and Brainard, to act with a like committee from the Council, to inform the Governor that the two Houses were permanently organized, and ready to receive any communication he might be pleased to make.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 13, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that the Council have concurred in H. C. R. No. 1, and have appointed Messrs. Watson and Tatem the Committee on Joint Rules;

That the President appointed Messrs. Brown and Lewis a committee to wait on the Governor, and inform His Excellency that the Council is organized, and ready to receive any communication he may have to make to the Legislative Assembly.

Respectfully,

HARRY R. COMLY,  
*Chief Clerk of the Council.*

Mr. McCormick, from the joint committee to await on the Governor, and inform him that the two Houses were organized, and ready to receive any communication he might be pleased to make, reported that they had performed that duty, and that the Governor would communicate with the House immediately.

The following communication was received from the Governor, through Mr. Ben. R. Dittes, his private secretary:

MONTANA TERRITORY,  
EXECUTIVE DEPARTMENT,  
HELENA, M. T., January 8th, 1877. }

*To the Legislative Assembly:*

Ben. R. Dittes, Esq., of Lewis and Clarke county, is appointed private secretary to the Governor. He will be respected accordingly.

Respectfully,

B. F. POTTS.

Also, as follows:

#### MESSAGE OF THE GOVERNOR OF MONTANA.

*Fellow Citizens of the Council and House of Representatives:*

The year that has just closed brought the people of the territory a reasonable degree of prosperity. Industry in every calling of life has pursued its legitimate objects with varied success. Education, which is the first concern of an intelligent and prosperous people, has steadily advanced, preparing the youth of the territory for the duties and responsibilities of citizenship. The ravages of the "insect" diminished the yield of the harvest, but the labor of the husbandman has been crowned with plenty. Neither pestilence nor famine has entered our borders, and almost unbroken health has blessed our homes. For these and kindred blessings we should not be unmindful of their author, but render to Him the sincere thanks of grateful hearts.

The following statement from the reports of the Territorial Auditor and Treasurer, for the fiscal year ending December 31st, 1876, is submitted for your information:

#### ABSTRACT OF THE ASSESSMENT OF PROPERTY, BY COUNTIES, 1876.

Lewis and Clarke County,	\$ 2,583,403 00
Deer Lodge County,	1,815,600 00
Madison County,	1,655,935 00
Gallatin County,	979,000 00
Jefferson County,	582,004 55
Beaver Head County,	644,780 00
Meagher County,	657,598 00
Missoula County,	567,808 00
Chouteau County,	453,412 00
Total,	\$ 9,939,540 55

Total amount of assessment in 1875, . . . . .	\$10,062,904 17
Decrease in 1876, . . . . .	123,363 62
Total amount of territorial warrants issued in 1876, . . . . .	27,821 35

The total amount of revenue received by the Territorial Treasurer for the fiscal year ending December 31st, A. D. 1876:

From Lewis and Clarke County, . . . . .	\$15,017 00
From Deer Lodge County, . . . . .	9,856 43
From Madison County, . . . . .	7,228 99
From Gallatin County, . . . . .	3,992 84
From Jefferson County, . . . . .	2,536 03
From Beaver Head County, . . . . .	2,371 99
From Meagher County, . . . . .	2,877 96
From Missoula County, . . . . .	2,176 05
From Chouteau County, . . . . .	2,052 17

Total revenue received from County Treasurers, . . . . .	\$48,109 46
Received from labor of convicts, . . . . .	583 00
From all other sources, . . . . .	1,896 62

Total revenue from all sources, . . . . . \$50,589 08

#### LIABILITIES OF THE TERRITORY, DECEMBER 31, 1876.

To ten per cent bonds, . . . . .	\$91,200 00
To interest on same to date, . . . . .	4,560 00
To warrants outstanding December 31st, 1876, . . . . .	35,607 99
To interest on same, . . . . .	2,659 97
To estates of deceased persons, . . . . .	430 77
To one 12 per cent bond and interest, . . . . .	101 30
	<hr/> \$134,560 03

#### ASSETS OF THE TERRITORY.

By balance in warrant fund, . . . . .	\$ 1,139 94
By balance in forty per cent fund, . . . . .	6,445 81
By balance in sinking fund, . . . . .	9,100 00
By balance due from ex-Treas. Edwards, Missoula Co., . . . . .	290 09
	<hr/> \$ 16,975 84

By registered indebtedness proper, . . . . .	\$117,584 19
Decrease of territorial debt for 1876, . . . . .	8,100 87

Number and value of live stock in the territory, as returned by the assessors for 1876:

	<i>Number.</i>	<i>Value.</i>
Cattle, . . . . .	160,647	\$1,812,920
Horses, . . . . .	26,496	851,674
Mules, . . . . .	1,688	105,648
Sheep, . . . . .	51,558	148,894
Hogs, . . . . .	4,642	20,598
Total, . . . . .		<hr/> \$2,939,734



The total indebtedness of the several counties on the first day of March, A. D. 1876, was as follows:

Lewis and Clarke County,	\$136,747 54
Missoula County,	92,136 39
Gallatin County,	51,407 38
Deer Lodge County,	51,619 07
Madison County,	60,460 61
Jefferson County,	55,293 41
Meagher County,	34,419 24
Beaver Head County,	4,267 88
Chouteau County,	4,967 24
Total,	<u>\$491,318 76</u>

For the year ending March 1st, 1876, the debt of the following named counties increased:

Lewis and Clarke County,	\$15,679 55
Madison County,	28,974 57
Missoula County,	4,150 58
Jefferson County,	3,324 73
Chouteau County,	1,383 08
Total increase,	<u>\$53,512 51</u>

The following counties decreased their indebtedness for the year ending March 1st, 1876:

Gallatin County,	\$5,203 71
Deer Lodge County,	4,533 37
Meagher County,	1,648 74
Beaver Head County,	1,557 12
Total decrease,	<u>\$12,942 94</u>

Showing a net increase of county indebtedness for the year ending March 1st, 1876, of \$40,569 57

The indebtedness of the several counties increased during the year ending March 1st, 1876, \$40,569.57, and the total indebtedness of the several counties has reached the alarming sum of \$491,318.76.

It has always been within the power of the legislature to prevent this increase, but it has allowed it to continue from year to year since the organization of the territory. The attention of your predecessors has been repeatedly called to this subject, but they refused to provide a remedy. The power of the several counties to

contract debts beyond their annual revenues, should be prohibited by law. Our local governments, no more than private individuals, can live beyond their means without fraud and swindling; somebody must pay the bills. The chief and growing evil of the present day is local indebtedness, and the disposition of the people to live beyond their means, ambitious to seem, rather than to be; who never blush to contract a debt with no capacity to pay; who live on counterfeit rank, borrowed tinsel and splendor, won by false pretenses. One of the early fathers wisely said: "I have found the philosopher's stone, '*Pay as you go*,'" and the wisest of the many things uttered by the late Mr. Greeley, was: "*Avoid pecuniary obligations as you would a pestilence*; hunger, cold, rags, hard work, or contempt are disagreeable, but debt is infinitely worse than all." The spirit that underlies and pervades the whole decalogue was summed up in the utterance of Paul: "Owe no man anything." A disregard of this injunction is the bitter spring from which flow nearly all our public and domestic calamities. We should welcome the return of the day when the people will prefer honest poverty to the gilded shams of fashionable prodigality; when the plain, honest, republican simplicity of the early fathers will supplant the extravagance and gaudy show of to-day; when men shall be proud to eat no bread save that earned by the sweat of honest toil; when the people will live within their income, and compel their local governments to do likewise.

The rapid increase of county indebtedness, and the decline of county credits, should demand the exercise of the strictest economy on the part of county officers. Some of the counties now stand on the very threshold of bankruptcy, and others are rapidly approaching it. Unless an immediate remedy is provided, it will be beyond the power of the legislature to afford them any assistance. If county affairs continue to be conducted as heretofore, the time cannot be far distant when some of the counties must surrender their organizations for the want of revenue or credit to defray current expenses. Soon the warrants of some of the counties will be so low in the market that no citizen can afford to discharge the duties of a county officer and receive warrants as a compensation. I regret that the legislative power of the territory has not long since been invoked to arrest the steady increase of county indebt-

edness, but, in my judgment, the time has arrived when the responsibility must be met and discharged, and I trust all other legislation will be deferred until you provide for the early removal of the burden of county indebtedness, that hangs like a millstone about the necks of the people. The remedy is plain: REDUCTION OF EXPENSES, AND INCREASE OF REVENUES. This can be accomplished by consolidating county offices, as heretofore recommended, and reducing fees and salaries. The revenues can be largely increased by placing all classes of property on the tax list, removing all exemptions, except public property; by imposing a special tax of twenty-five cents on every gallon of spirituous liquors consumed in the territory, and increasing the license-tax of dealers in spirituous and malt liquors and tobacco.

In my third biennial message, I held the following language on the subject: "No tax is less burdensome on our industrial interests, "or is paid with less complaint, or is less felt by all classes, than a "tax on spirituous liquors. The consumption of spirituous liquors "does more to create debt and the necessity for a high rate of "taxes, than is realized from the ordinary taxation of such property. "It fills our prisons, our asylums and infirmaries, and greatly "increases the expenses of our courts of justice. Shall it not be "taxed to meet the expenses it compels society to incur? Shall it "not be compelled to share the burden that it imposes on the prop- "erty and labor of the people?"

It would be both economical and just to re-enact the statute providing for the payment of jurors and witnesses, approved November 20, 1867, which required that the court should tax a jury fee to the unsuccessful party in each civil action tried by a jury. I again recommend that the number of peremptory challenges of jurors, both in civil and criminal cases, be reduced, and that the eleventh clause of challenge to a juror in criminal causes be amended. The cost of jury trials will be greatly reduced, and the interests of litigants will not be prejudiced thereby.

The present situation of affairs impresses me with the belief that no legislative body will ever have so favorable an opportunity to inaugurate true reform in local affairs, as the one I now address. All true reform begins at home, and we should put our own houses in order before we go abroad to reform the affairs of others.

Your predecessors adjourned without any provision for the care, maintenance, and treatment of the insane. My recommendations contained in my third biennial message upon the subject are again renewed. The present situation of the insane should enlist the warmest sympathies of every feeling heart, and irresistably invoke the benevolence of the territory. I most earnestly hope that this Legislative Assembly will fully discharge the obligations of the people to these children of sorrow. The duty of fulfilling these obligations is clear, and the benefits of its performance evident. The social condition of our people cannot be what it should be, while a class of guiltless and helpless victims of physical or mental disorder remains unrelieved. Nor is the duty of relieving the dependent infirm less imperatively dictated by considerations of economy than by considerations of human philanthropy. The unfortunates must be sustained by society in some way. Shall it be by chaining them to the floors of their gloomy cells, or shall they have the kindest and most humane care, and the best and most experienced medical treatment that money can obtain?

The responsibility of a correct decision rests with you. It is the opinion of medical men of experience in the treatment of insanity, that a very large proportion of insane persons are curable, if skillful treatment is afforded them at an early stage of the disease. It cannot be claimed that this unfortunate class in our midst has received any treatment heretofore, hence we have a large number that are now probably incurable, and will remain a public charge for life. I confidently hope that the condition of this unfortunate class of our people will receive your immediate attention.

The election law should be so amended as to require the county commissioners to so constitute the boards of elections that minorities, as well as majorities, shall have a fair representation in them. The justice of this suggestion has in many cases secured representation to minorities, but I think the law should require the county commissioners to give a fair representation to minorities on election boards. Every safeguard that will protect the ballot box from fraud or violence should be adopted; for when the ballot box is corrupted, free institutions are at an end. Every good citizen should unite in enacting and enforcing such laws as will secure the purity of the ballot box.

The term of office of one of the county commissioners in each county will expire next December, and as no election will be held to fill the vacancies, your attention is invited to the necessity of some legislation upon the subject.

The act to prohibit the traffic in intoxicating liquors on general election days, approved Feb. 8th, 1876, secured peace and good order at every polling place throughout the territory at the late election. The law is in accord with public sentiment, and will be rigidly enforced by the people.

The act to prevent the purchase and sale of votes, approved Feb. 11, 1876, is sustained by the public sentiment of the people, and its strict enforcement is assured.

The new apportionment of the territory for legislative purposes appears to be necessary to secure a fair representation to each county. The vote of the several counties at the recent election furnishes unquestioned evidence that the present apportionment is an unfair one. A spirit of fairneess will, I have no doubt, secure a new and more equitable apportionment.

I doubt the propriety of continuing in force the law for recording marks and brands, but if the legislature in its wisdom should determine otherwise, I then recommend that the duties of the recorder of marks and brands be discharged by the territorial treasurer, and that the fee now allowed by law be paid into the territorial treasury and applied to the payment of the printing of the annual report. This will secure the printing of the report without cost to the territory.

Instances have occurred where a criminal statute was repealed, and it contained no provision saving offences or pending prosecutions under it. And as no conviction, after such repeal, can be legally had under such statute, you should provide that whenever a statute is repealed or amended, such repeal or amendment shall not effect pending actions, prosecutions, or proceedings, civil or criminal, nor causes of such actions or proceedings, existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing act.

You should authorize bonded officers, who are required to prosecute or defend for the territory or counties, and executors, admin-



istrators, trustees and guardians to perfect appeals from an inferior to a superior court, without being required to give an appeal bond.

The clerk of the supreme court charges and collects fees under a fee bill prescribed by the judges of said court, in the absence of legislation on that subject. The fees thus authorized are the same as allowed the clerks of the district courts, under the fee bill of 1865, and are therefore far in excess of the fees now allowed said clerks. The fixing of a fee bill for the clerk of the supreme court is as imperative upon the legislature as fixing a fee bill for the clerks of the district courts, and should receive your early attention.

The question whether any further legislation is necessary to give the people of Big Horn county a legal county organization, should the numbers of persons who may settle therein within the next two years justify it, is submitted for your consideration and action, should any action in your judgment be necessary.

The railroad legislation of the last session of the legislature was not so favorably received by the people, as was anticipated by its friends. The people refused to approve the act granting aid to the Northern Pacific Railroad Company, and as no company or corporation accepted the provisions of the act granting aid to a north and south road, it was not submitted to a vote of the people. S. B. Coulson & Co. accepted the provisions of the act to aid in the construction of the Helena and Ft. Benton railroad, and proposed to build and equip a narrow guage railroad from Ft. Benton to Helena for the sum of \$700,000 in county bonds. The counties of Lewis and Clarke and Choteau voted at the recent election to approve the proposition, and the commissioners of said counties were authorized to issue \$430,000 in county bonds. From what source the deficiency of \$270,000 is to be raised, has not been indicated by the friends of the measure.

The financial officers of the territory have conducted its financial affairs with so much fidelity and ability, that the treasurer on the first day of July last was enabled to place on the market at par the ten per cent bonds authorized by your predecessors, redeeming all the twelve per cent bonds of 1872; making a saving of \$1,824 of annual interest on the bonded debt.

As no part of the bonded debt can be paid, except at the option of the holders, before July 1st, 1878, I recommend that the territorial treasurer be authorized to use the money in the sinking fund, applicable to the payment of bonds, to purchase outstanding bonds at not exceeding their par value. But in case the treasurer cannot purchase any of the outstanding bonds, before the option of the holders expires, then he should be authorized to apply the money in the sinking fund, and all that may accumulate therein before January 1st, 1878, applicable to the payment of bonds, to the payment of outstanding territorial warrants. The amount now in said fund, applicable to the payment of bonds, is about \$8,000, and will probably reach \$20,000 before the close of the present fiscal year.

The military campaign conducted by Brigadier General Crook, U. S. A., against the Sioux Indians in eastern Montana, is happily approaching a successful termination. Assurances are given by high military authority that the campaign against the Indians shall not cease until they submit to the authority of the general government, and give guarantees of future peace. Peace with the Indians in eastern Montana once assured, a safe line of overland communication will be opened between central Montana and Bismarck, the western terminus of the eastern division of the N. P. Railroad. A highway from Montana to Bismarck, protected from Indian depredations by United States troops, stationed at the new military posts to be built on the Yellowstone the coming season, will enable our stock-growers to deliver their stock at the latter place of shipment to the eastern markets, at a small cost, and will, therefore, add much to the present value of every head of stock in the territory. The present outlook for the stock-growers of the territory is much more promising than at any period heretofore, upon which event they are to be heartily congratulated.

Soon after the opening of the Centennial Exhibition at Philadelphia, the United States Centennial Commission requested that a citizen of the territory be named to deliver an address on its origin, growth, and resources. I appointed W. A. Clark, Esq., of Deer Lodge county, who, on the 11th day of October last, delivered a very able and scholarly address before the exhibition. The address is certainly a very valuable one, and should be printed in

pamphlet form for distribution. It is the first paper that has been prepared on the growth and resources of Montana, and its distribution would undoubtedly attract capital and immigration to the territory.

The Centennial Commission awarded Montana a diploma on the exhibit of ores, and two of our citizens, Messrs. Hauser and Kleinschmidt, received awards on private collections of ores.

An unexpended balance of \$1,561.10 of the territorial appropriation for centennial purposes has been returned to the treasury by J. P. Woolman, Esq., United States Centennial Commissioner for Montana, and his report of expenditures with accompanying vouchers will be submitted at an early day in the session.

The expenditure for keeping the territorial convicts for the last fiscal year was \$6,647.90, and the amount received from the labor of convicts was \$583 for the same period. The territory has heretofore maintained the right to control the labor of the territorial convicts, and it has been undisputed until last August, when the attorney general of the United States insisted that the new contract should contain a provision that the United States should control the labor of convicts, or rather, the United States marshal and his subordinates should control and use it, or so much of it as they thought necessary for any and all purposes about the prison. I protested against it as unjust, claiming that the territory was entitled to the proceeds of the labor of all her convicts or none, but the attorney general refused to yield, and the contract, which expires on the first day of August next, was signed. The contract binds the territory to pay to the United States one dollar per day for each person convicted of a violation of the laws of the territory and confined in the United States penitentiary at Deer Lodge. This subject should receive your careful consideration.

The law for the collection of statistics is so imperfectly executed that the tables of statistics contained in the report of the territorial auditor are totally unreliable. Unless additional legislation can be devised for the more faithful execution of the law, the same should be repealed, and the cost of the attempt to execute the law saved to the territory.

The report of the officers of the Historical Society of Montana is transmitted for your information. The society has made com-

mendable progress in the labor of preserving the incidents connected with the early history of the territory. The first volume of the contributions to the society has just been published, and it reflects great credit upon those who compiled it, and the society. The appropriation has been judiciously expended.

I have the honor to submit the report of the judges of the supreme court, accounting for the appropriations for the territorial law library for the years 1875-6. As the territory is not in a financial condition to pay salaries to additional officers, and as the territorial auditor is now *ex-officio* librarian and has charge of the territorial library, I recommend that the law library be transferred to his custody, under such regulations as may enable him carefully to preserve the same.

The executive order increasing the area of the reservation of the Crow Indians in this territory has been revoked by the president. The order was secured by false representations made by parties connected with Indian affairs, and as soon as the facts were presented to the president, he very readily revoked the order.

The books of the auditor's and treasurer's offices were not examined by your predecessors. I respectfully request that you appoint a committee, at an early day in the session, to make an examination of the books and vouchers connected with said offices.

The estimated yield of the mines of the territory, in gold, silver, and copper, for the year ending June 30, 1876, is \$4,233,489.93.

In pursuance of the joint resolution of congress, approved July 3, 1876, I made a requisition on the secretary of war for Montana's quota of arms, and have received five hundred breech-loading Springfield rifle-muskets, and twenty-five thousand metallic cartridges. This property belongs to the territory, and is carefully stored in a fire-proof building in this city, subject to the pleasure of the legislature. The freight on the same from the United States arsenal at Rock Island, Illinois, to Helena, is charged to the territory, and provision should at once be made for its payment. This property should be placed in charge of some bonded territorial officer, and he be required to keep the same in good condition, and that the property be issued only to regularly organized and officered militia companies, making the officers and men responsible for the arms issued to their respective companies. The organiza-

Montana Library  
Miscellaneous Division

tion of the militia of the territory, under laws similar to those of the states where militia organizations are kept up, is certainly demanded by every consideration of public safety.

The numerous tribes of Indians in the territory, that may become hostile when least expected, should secure, under proper regulations, the organization and discipline of a well trained militia. Several applications have been made for authority to organize militia companies during the past summer, but as only general authority could be given, no companies were organized except at Virginia City, where a company was organized, and is now under a high state of discipline.

A well trained militia is a strong moral force in a community, acting as a conservator of the peace, and the absence of it weakens the civil authorities, and is an inducement to the disorderly to disregard the laws for the preservation of the public peace.

The progress made by the common schools of the territory, as shown by the report of the superintendent of public instruction, is very gratifying to every friend of popular education. The following is extracted from the report:

Whole number of children of school age,	4,271
Number of school districts,	99
Number of children attending school during the year,	2,734
Per cent of children enrolled attending school,	.61
Number of teachers employed,	110
Average length of school in days,	100
Number of children not attending any school during year,	1,537
Total amount appropriated for school purposes during the year,	\$35,287.06

The report of the superintendent of public instruction is submitted herewith, and I ask for it your careful and favorable consideration.

The wise provision of the Creator in assigning one day in seven for rest, should receive the same attention from us that it has from the statesman, the philanthropist, and patriot, throughout the length and breadth of our land. By obedience to this law of the Sabbath, the bonds that unite society are strengthened, our citizens are elevated to a higher plane of moral greatness, while the homes and

1265

Society of Montana



happiness of all our people are enhanced thereby. This is the fourth time I have submitted this subject to the representatives of the people, and I do most earnestly ask your careful and considerate attention to the same; for, as we so much desire the immigration of the best citizens from the older states to Montana, we should evince a laudable disposition to throw around them the same safeguards for their peace and happiness in their new homes that they have enjoyed elsewhere. I here reiterate the language used in my former message: "I cannot too strongly urge the enactment of a law prohibiting sporting, rioting, quarreling, and engaging in common labor (works of necessity and charity excepted), on the first day of the week, commonly called Sunday, excepting from its provisions those of our citizens who religiously observe the seventh day of the week as a day of rest."

In conclusion, accept the assurance that in all your endeavors to legislate for the public good, you may confidently rely on my zealous co-operation; and my sincerest wishes will be accomplished if your legislation shall be directed to such wise ends that this legislative assembly will ever be remembered with gratitude by the people of Montana.

BENJ. F. POTTS.

HELENA, MONTANA, January 8, 1877.

On motion of W. F. Sanders, the reading of the Governor's message was made the special order for 2 o'clock this P. M.

On motion of W. F. Sanders, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—McElroy, Sanders (of Lewis and Clarke), Vivion, and Word.

On motion of Mr. McCormick, a call of the House was ordered.

Roll called—absent, McElroy, Sanders (of Lewis and Clarke), Vivion, and Word.

On motion of Mr. Chadwick, a further call of the House was dispensed with.

On motion of Mr. Sanders (of Lewis and Clarke), leave was granted to the Committee on Joint Rules.

The reading of the Governor's message was then proceeded with.

On motion of Mr. Chadwick, the message of the Governor was laid on the table for further consideration.

Mr. Robinson offered the following resolution, which was, on motion of Mr. Hickman, adopted:

*Resolved*, That the privilege of a seat on the floor of the House be extended to the territorial executive officers, the judges of the supreme court, members of the Council, members of the bar, and the reporters of the press.

ROBINSON.

Mr. Howell offered the following:

*Resolved*, That the Secretary be requested to furnish one dozen extra chairs, for the use of this House.

Which was, on motion of Mr. Chadwick, adopted.

On motion of Mr. Thompson, the House adjourned to 11 o'clock A. M., on Monday.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

## EIGHTH DAY.

HOUSE OF REPRESENTATIVES, {  
January 15th, 1877. }

The House met pursuant to adjournment.

Roll called—members all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Sanders (of Lewis and Clarke), from the Committee on Rules, reported as follows, to-wit :

MR. SPEAKER:—Your Committee on Rules for the government of the House during the present session, beg leave to report the following, and recommend their adoption.

All of which is respectfully submitted.

W. F. SANDERS,  
W. J. McCORMICK,  
R. P. VIVION,  
*Committee.*

## HOUSE RULES.

No. 1—*Speaker.* The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the House.

In case the Speaker is absent, or fails from any cause to take the chair, the House shall appoint a Speaker *pro tem*.

No. 2—*Quorum.* Upon the appearance of a quorum the journal of the preceding day shall be read by the Clerk, and any mistakes therein may be corrected by the House.

No. 3—*Order.* The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House.

No. 4—*Speaker shall Vote.* The Speaker shall vote on all questions taken by yeas and nays (except upon appeals from his own decision), and in all elections and divisions called for by any member.

No. 5—*Members shall Remain Seated.* When the House adjourns the members shall keep their seats until the Speaker announces the adjournment.

No. 6—*Proper Decorum.* Every member, previous to speaking, shall rise from his seat, and respectfully address himself to the Speaker.

No. 7—*Two or More.* When two or more members rise at once, the Speaker shall designate the member who is first to speak, but in all cases the member who shall first rise and address the chair shall speak first.

No. 8—*Not to Speak More than Twice.* No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the question pending, shall have spoken.

No. 9—*Motions to be Seconded.* No motion shall be debated or put unless the same shall be seconded. It shall be stated by the Speaker, and any such motion shall be reduced to writing if the Speaker, or any member, shall desire it.

No. 10—*Motions in Possession of the House.* After any motion shall be stated by the Speaker it shall be in possession of the House, but may be withdrawn at any time before amendment or decision; but all motions, resolutions, or amendments shall be entered upon the journal, whether they are rejected or adopted.

No. 11—*Debate.* When a question is under debate no motion shall be received, except: 1st. To adjourn. 2d. To lay on the table. 3d. For the previous question. 4th. To postpone to a day certain. 5th. To commit to a standing committee. 6th. To com-

mit to a select committee. 7th. To amend. 8th. To postpone indefinitely. And these several motions shall have precedence in the order in which they stand arranged, and a call of the House may be made by a demand of two members.

No. 12—*Adjournment*. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13—*Previous Question*. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and ther upon the main question.

On a motion for the previous question, and prior to the seconding of the same, one call of the House shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14—*Same*. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall remain as the question before the House, in the same stage of proceedings as before the previous question was made.

No. 15—*Incidental Questions*. All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the House shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

No. 16—*Petitions*. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

No. 17—*Voting*. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the House shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18—*When the Question is being put.* When the Speaker is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19—*Several Points.* If the question in debate contains several points, any member may have the same divided.

No. 20—*Members Called to Order.* A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise and ask the chair to put his motion to the House, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the chair be sustained?"

No. 21—*Introduction of Bills.* Every bill shall be introduced by a motion for leave, or by an order of the House, or on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice.

Every notice for leave to bring in a bill (and every notice to bring in a bill), shall be in writing, and shall contain the title of the bill.

No. 22—*Bills Endorsed.* Every bill, before being introduced, shall have endorsed thereon the title of the same, and every bill and resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

No. 23—*Bills to be Read.* All bills, memorials, or joint resolutions, shall be read at length, the first time for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading, without a question.

No. 24—*Second Reading.* All bills, memorials, or joint resolutions, on their second reading, shall be read by their title, and the



question taken up on their commitment, amendment, or engrossment, for a third reading.

No. 25—*Third Reading.* All bills, memorials, or joint resolutions, on their third reading, shall be read at length, and no amendments shall be in order except by unanimous consent of the House.

No. 26—*Second and Third Readings.* All bills shall be read three times before their final passage, and may be read twice on the day of presentation, unless otherwise ordered; and no bill shall be passed unless it shall have been read once at length.

No. 27—*No Amendment.* No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment; no bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

No. 28—*Committee of the Whole.* In forming a committee of the whole House, the Speaker shall appoint a chairman to preside.

No. 29. Bills committed to the committee of the whole House shall, in the Committee of the Whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered.

All amendments shall be made in writing, and reported to the committee by the chairman.

No. 30—*Questions in Committee of the Whole.* All questions, whether in committee or in House, shall be put in the order in which they are moved, except in cases of privileged questions, and in filling up blanks the largest sum and longest time shall be first put.

No. 31—*Same Mode.* A similar mode of proceeding shall be observed with bills which have originated in and passed by the Council as with bills originating in the House, except they shall not be printed.

No. 32—*Reconsideration.* No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

No. 33—*Motion to Reconsider.* When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

No. 34—*Who shall Move for a Reconsideration.* Any member that votes on that side of a question which prevailed may be at liberty to move a reconsideration, and a motion for reconsideration shall be decided by a majority of votes.

No. 35—*When Lost.* In all cases when the House shall be equally divided the question shall be lost, except appeals from decisions of the chair.

No. 36—*House Rules observed in Committee of the Whole.* The rules of the House shall be observed in committee of the whole House so far as may be applicable, except that yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

No. 37—*Committee Rise.* A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 38—*Standing Committees.* Standing committees, consisting of three or five members each, at the option of the Speaker, shall be appointed on the following subjects:

1. Ways and Means ;
2. Judiciary ;
3. Territorial Affairs ;
4. Internal Improvements ;
5. Roads and Highways ;
6. Public Lands ;
7. Grazing and Stock Growing ;
8. Federal Relations ;
9. Education and Labor ;
10. Towns and Counties ;
11. Military Affairs ;
12. Incorporations ;
13. Agriculture and Manufactures ;
14. Elections ;

15. Indian Affairs ;
16. Mines and Minerals ;
17. Engrossment ;
18. Enrollment ;
19. Printing.

No. 39—*Engrossment*. The Committee on Engrossment shall examine all bills after they are engrossed, and report the same to the House (correctly engrossed) before the third reading. Said committee may report at any time.

No. 40—*Enrollment*. The Committee on Enrollment shall examine all House bills, and joint resolutions which have passed the two Houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the Council and House for their signatures, and when so signed to go to the governor for his approval. Said committee may report at any time.

No. 41—*Select Committees*. Select committees, to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the House.

No. 42. In all cases where a bill, order, resolution, or motion shall be entered on the journal of the House, the name of the member moving the same shall be entered on the journal.

No. 43—*Clerk to Make a List of all Bills*. The Speaker of the House shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other proceedings of the House which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by two-thirds of the House ; and the Clerk shall also keep a book showing the situations and progress of bills.

No. 44—*Speaker to Announce the Order of the Day*. On the meeting of the House, after the reading of the journal of the preceding day, the order of business for the day shall be as follows :

1. Presentation of Petitions ;
2. Reports of Standing Committees ;
3. Reports of Select Committees ;
4. Notices ;
5. Introduction of Bills ;
6. Motions and Resolutions ;
7. Consideration of Messages from the Council ;
8. Reading of House Bills, Resolutions, and Memorials ;
9. Third reading of the same ;
10. Third reading of the Council Bills ;
11. Consideration of the General Orders ;
12. Unfinished Business.

No. 45—*Several Motions.* Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided and the question of concurrence taken separately upon each modification or amendment.

No. 46—*General Orders.* When the House has arrived at the general order of the day they shall go into Committee of the Whole upon such orders, or particular order designated by a vote of the House, and no other business shall be in order until the whole are considered, or passed, or the committee rise. And unless a particular bill is ordered up the Committee of the Whole shall consider, act upon, or pass upon the general orders according to the order of their reference.

No. 47—*Speaker to Leave the Chair.* The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

No. 48—*Parliamentary Practice.* The rules of parliamentary practice embraced in Jefferson's Manual shall govern the House in all cases when they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the House and Council.

No. 49. The privileges of the floor of the House are hereby accorded :

*First.* To the Governor ;

*Second.* To the members of the Council ;

*Third.* To the Chief Justice and Associate Justices of the Supreme Court ;

*Fourth.* To the Secretary, and other territorial officers ;

*Fifth.* To the executive, judicial, and legislative officers of other states, territories, and counties ;

*Sixth.* To the officers of the Legislative Council ;

*Seventh.* To the Secretary of the Governor ;

*Eighth.* To the former members of the House of Representatives ;

*Ninth.* To one representative from each of the territorial newspapers, to be designated by the proprietors thereof ;

*Tenth.* To such persons as by name have received thanks of the two Houses of the Legislative Assembly.

No. 50—*Time of Meeting.* The hour of the daily meeting of the House shall be 10 o'clock in the morning, until the House directs otherwise.

No. 51—*Yeas and Nays.* The yeas and nays shall not be ordered unless demanded by two members, except on the final passage of the bills, joint resolutions, and resolutions making appropriations of money ; in which case the yeas and nays shall be made without demand.

No. 52—*Printed.* All House bills of a general nature, shall, after their second reading, be printed without special order from the House.

No. 53—*Memorials to Congress.* All memorials to Congress, or to any officer, or authority of the government, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council, and forthwith transmitted by the Chief Clerk of the respective Houses in which they originated, to the President of the Senate, the Speaker of the House of Representatives, in Congress, and to the authority memorialized, and a copy to our delegate in Congress.

No. 54—*Titles and Reports of Proceedings.* Titles of bills introduced in the House shall be as brief as possible, indicating substantially the purport of the bill ; and all proceedings of the House, wherein action is taken upon bills, resolutions, and motions, shall

be kept by the Clerk, in full, upon the journal; in all cases giving the title of each bill, joint or concurrent resolution, and substance of each motion, when reference is had to the same; and all resolutions offered shall be copied in full upon the journal, whether rejected or not.

No. 55—*Suspend, Alter, or Amend.* No rule of the House shall be suspended, altered, or amended, without the concurrence of two-thirds of the members present.

On motion of Mr. Hickman, the report was received.

On motion of W. F. Sanders, Rule 35 was amended by adding after the word "lost," the following:

"Except appeals from decisions of the chair."

The Clerk was instructed to renumber the rules.

On motion of Mr. Hyde, the rules were adopted, as amended.

On motion of Mr. Porter, Mr. Robinson was granted leave of absence for this afternoon.

On motion of Mr. Chadwick, the House took a recess to 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Robinson absent on leave.

The Speaker then announced the following

STANDING COMMITTEES:

1. *Ways and Means*—Word, Kessler, Galen, Hickman, Ives.
2. *Judiciary*—Chadwick, W. F. Sanders, Word, McCormick, Vivion.



3. *Territorial Affairs*—Brainard, Davis, Mood, J. G. Sanders, Robinson.
4. *Internal Improvements*—W. F. Sanders, Porter, Word, Hickman, Thompson.
5. *Roads and Highways*—Galen, Ives, Steele.
6. *Public Lands*—Vivion, Ives, Witter.
7. *Grazing and Stock Growing*—Robbins, Ives, Mood.
8. *Federal Relations*—McCormick, Hickman, Howell, Batchelder, Hyde.
9. *Education and Labor*—Ives, Witter, Robinson.
10. *Towns and Counties*—Hyde, J. G. Sanders, Chadwick, Thompson, Brainard.
11. *Military Affairs*—Howell, Davis, Robbins.
12. *Incorporations*—Porter, Mood, McElroy.
13. *Agriculture and Manufactures*—Mood, Robbins, Ives.
14. *Elections*—Davis, Hyde, Howell.
15. *Indian Affairs*—Rotwitt, McCormick, Thompson.
16. *Mines and Minerals*—McElroy, Batchelder, Brainard.
17. *Engrossment*—J. G. Sanders, Vivion, Witter.
18. *Enrollment (Joint)*—Hyde, Kessler.
19. *Printing*—Dixon, Steele, Thompson.

The following communication was received from the Council, through Otis Strickland, Sergeant-at-Arms :

COUNCIL CHAMBER, }  
January 15th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. C. R. No. 1, accompanying this, has passed the Council, and that the President has appointed Messrs. Tatem and McAdow the committee contemplated therein, on the part of the Council.

That the following notices have been given of the introduction of bills :

By McAdow—"An Act to provide a system of common schools."

By Brown—"An Act to repeal section 1 of an act entitled 'An Act concerning county warrants, and for other purposes,' on page 638, codified statutes, approved January 11th, 1872.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Hickman, a sufficient number of the standing committees was ordered printed for the use of the two Houses.

Notices were given as follows:

By Mr. Chadwick—

MR. SPEAKER:—I hereby give notice that I will, on the 16th instant, introduce a bill entitled "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory."

Also, a bill entitled "An Act to pay for the support and maintenance of the insane."

By J. G. Sanders—"An Act in relation to counties and county officers."

By Mr. Witter—"An Act relative to live stock."

By Mr. Hickman—A bill entitled "An Act for the repeal of an act entitled 'An Act concerning the management of live stock, and to protect the interests of stock growers in the territory of Montana,'" approved February 11th, 1876.

By Mr. Davis—"An Act regulating the duties of county commissioners."

On motion of Mr. Chadwick, the Chief Clerk was instructed to inform the Council of the appointment of standing committees.

On motion of Mr. Robbins, a call of the House was ordered.

Roll called—McCormick, Sanders (of Lewis and Clarke), and Word, absent.

On motion of Mr. Chadwick, a further call of the House was dispensed with.

On motion of Mr. Chadwick, Mr. Word was granted leave of absence for this afternoon.

Mr. Vivion, from the Committee on Joint Rules, reported as follows :

MR. SPEAKER:—The Committee on Joint Rules for the government of the two Houses of the Legislative Assembly, appointed pursuant to House Concurrent Resolution No. 1, beg leave to respectfully report that the members of such committee have agreed upon the following joint rules of the Council and House for their government during the present session, to-wit:

RULE NO. 1.—The chamber of the Council and the hall of the House of Representatives shall be open from 8 o'clock A. M. until 11 o'clock P. M. of each day during the session, unless by resolution of the Council, its chamber, or by resolution of the House, its hall, shall be closed.

RULE NO. 2.—The presiding officer of each House, and, subject to his directions, the Sergeant-at-Arms of each House, shall have general supervision and control of the rooms in which such House may meet, and shall see that the Doorkeeper and Watchman thereof perform their several duties, and the Watchman of each House shall be responsible for all property left therein by the government and the members respectively.

RULE NO. 3.—The Doorkeepers, at all times when the rooms of the Houses, or either of them, shall be open, shall be at their posts, and shall admit no person upon the floor of their Houses not privileged thereto, except that during any recess a member may invite any person to the floor.

RULE NO. 4.—No moneys from the territorial treasury shall be expended, nor shall any indebtedness or liability of the territory be incurred by either House except upon a concurrent or joint resolution of the two Houses.

RULE NO. 5.—The title to a bill shall briefly state its general object, nor shall it refer by title to any bill of which it may be amendatory, nor shall there be a reference in the title or body of any bill to the codified statutes, or any volume of statutes, or page therein; and every bill shall be numbered by the Clerk, and the title thereof, and the name of the member introducing the same, shall be endorsed thereon.

RULE NO. 6.—Neither House, during the session, shall adjourn for more than one day, without the consent of the other, nor to any other place than that in which such House shall regularly be sitting.

RULE NO. 7.—Messages shall be transmitted between the two Houses by the Chief or Assistant Clerk, or Sergeant-at-Arms, or by such other officer of each House as its sense of propriety may dictate; which messages shall keep each House informed with promptness, of all notices given, and bills introduced, and of the general condition and state of the business of the other.

RULE NO. 8.—Upon the presentation of an enrolled bill by the joint enrolling committee of the two Houses, to the presiding officer of one of the Houses for his signature thereto, he shall rise in his place and give notice that he is about to sign the same, giving the title thereof, whereupon if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officer signing the same shall be of any avail if the same conforms to the engrossed bill as it passed both Houses.

RULE NO. 9.—The Enrolling and Engrossing Clerks of the two Houses, under the direction of the presiding officer of each House, respectively, when not engaged in enrolling or engrossing bills, shall assist the several select or standing committees.

RULE NO. 10.—The journal of each House, in all cases where bills are mentioned, shall contain not only the number, but also the title of the bills referred to.

RULE NO. 11.—In every case of disagreement between the two Houses, if either House request a conference, and appoint a com-

mittee for that purpose, the other House shall appoint a committee to confer therewith, upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective Houses the result of their conference.

RULE NO. 12.—When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

RULE NO. 13.—When a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the clerk thereof.

RULE NO. 14.—When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills as passed by the Houses, correct any errors therein, and make report thereof forthwith to their respective Houses.

RULE NO. 15.—After said report, each bill shall be signed, first by the Speaker of the House of Representatives and then by the President of the Council, in the presence of their respective Houses, while in session.

RULE NO. 16.—After the bill shall have thus been signed in each House, it shall be presented by said committee to the Governor for his approval, and they shall forthwith report the day and hour of presentation, which shall be entered upon the journals of each House.

RULE NO. 17.—All memorials to Congress, or to any officer or other authority of the government, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of House and President of the Council, and shall be transmitted by the Chief Clerk of the House in which they originated to the President of the Senate and Speaker of the House of Representa-

tives, or to the authority memorialized, and a copy to our delegate in Congress.

RULE No. 18.—When any bill, joint resolution, or memorial, which shall have passed in one House, is rejected in the other, notice of such rejection shall be given to the House which has passed the same.

RULE No. 19.—When a bill, resolution or memorial, which shall have passed one House, is rejected in the other, it shall not again be introduced during the session, without five days notice, and leave of two-thirds of the members voting thereon.

RULE No. 20.—Each House shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

RULE No. 21.—When each House shall have adhered to their disagreement, a bill or resolution is lost.

RULE No. 22.—When any bill, memorial, or resolution, is ordered to be printed, a sufficient number of copies shall be printed for the use of both Houses, and the quota for each House shall be delivered to its Sergeant-at-Arms.

RULE No. 23.—It shall be the duty of the Chief Clerks of the House of Representatives and the Council, when any document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other House.

And we respectfully recommend their adoption.

W. F. SANDERS,  
W. J. McCORMICK.  
R. P. VIVION,

*Of the Joint Committee on Rules.*

On motion of Mr. Chadwick, the report was received and the committee discharged.

The report was, on motion of Mr. Hickman, adopted as the joint rules of the two Houses.

The following communication was received from the Council :



COUNCIL CHAMBER, }  
January 15th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that Mr. Brown gave notice that he would introduce a bill entitled “An Act to increase and render uniform the compensation of grand and trial jurors in the district courts in the several counties in the territory of Montana.”

That the Council has ordered the list of its standing committees printed.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Chadwick, C. C. R. No. 1, to appoint a joint committee to examine the auditor's and treasurer's books, was adopted and Messrs. Chadwick, Kessler, and Steele were appointed such committee, on the part of the House.

On motion of Mr. Chadwick, the Governor's message was taken from the table and made the special order for 2:30 o'clock P. M. on the 16th inst., to be considered in Committee of the Whole.

On motion of J. G. Sanders, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

Attest: A. H. BARRET, *Chief Clerk.*

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## NINTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 16th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker announced that he had added to the Committee on Grazing and Stock Growing, Messrs. Galen and Thompson; and to the Committee on Mines and Minerals, Messrs. Davis and Porter.

Messrs. Kessler and Steele declined to act on the committee appointed to examine and report upon the Auditor's and Treasurer's books; and Messrs. Hyde and Hickman were appointed as such committee.

Notices of the introduction of bills were given as follows:

By Mr. Galen—A bill for an act to exempt from taxation, for a term of years, the first woolen mill and its machinery erected in this territory.

By Mr. Dixon—A bill imposing certain duties upon the Governor of the territory.

By Mr. Chadwick—"An Act to amend an act entitled 'An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena,'" approved Feb. 11th, 1876.

By Mr. Word—"An Act to amend an act providing for the election of county assessors," approved Feb. 9th, 1876.

Previous notice having been given, Mr. Chadwick introduced House Bill No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory." Read first and second times, and ordered printed.

Also, H. B. No. 2, "An Act to pay for the support and maintenance of the insane." Read first and second times, and referred to the Committee on Ways and Means.

On motion of Mr. McCormick, sixty copies of the House rules and joint rules were ordered printed.

On motion of Mr. Chadwick, the House took a recess to 2 o'clock P. M.

2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Robinson and Sanders (of Lewis and Clarke).

The following messages were received from the Council :

COUNCIL CHAMBER, }  
January 15th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have adopted the joint rules reported by the joint committee of both Houses, and have ordered the same printed.

That P. W. McAdow has given notice of the introduction of a bill entitled "An Act providing for the election of county assessors."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

January 16th, 1877.

MR. SPEAKER:—The Council have reconsidered the vote by which the joint rules were adopted yesterday.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
January 16th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have rejected the joint rules reported by the joint committee, and have adopted the joint rules of the ninth session of the Legislative Assembly.

That the following notices of the introduction of bills have been given:

By Hays—A bill to repeal an act approved February 11th, 1876.

By Cullen—A bill to provide for the appointment of commissioners of deeds.

That the following bills were introduced :

By Hays—C. B. No. 1, "An Act to repeal an act approved February 11th, 1876."

By McAdow—C. B. No. 2, "An Act providing for the election of county assessors."

That C. C. R. No. 2, relating to duties of committee on Auditor's and Treasurer's accounts, has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows :

COUNCIL CHAMBER, }  
January 16th, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that the Council has reconsidered its action rejecting the joint rules reported by the Committee on Joint Rules, and also its action in adopting the joint rules of the ninth session, and that the further consideration of the same has been made the special order for 2:30 P. M. this day.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Vivion, C. C. R. No. 2 was rejected.

The Governor's message being the special order for 2:30 o'clock P. M., the House resolved itself into Committee of the Whole to consider the same—Mr. Chadwick in the chair.

The House resumed—Mr. Speaker in the chair.

The chairman of the Committee of the Whole was granted further time to report.

On motion of Mr. Sanders (of Lewis and Clarke), the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

Attest: A. H. BARRET, *Chief Clerk.*

## TENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 17th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Messrs. Davis and Hyde.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Davis and Hyde were granted leave of absence for the day.

Mr. Dixon, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER:—The committee to which was referred the printing of the standing committees, rules and order of business of the House, beg leave to report the printing of the standing committees in card form, and now in the possession of each member of the House.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 16th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have adopted of the joint rules reported by the joint committee on rules, the following, to-wit: Rules 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. They have rejected rules 2 and 23.

They have amended rule 5, as reported, by striking out the words "*nor shall it refer by title to any bill of which it may be*

*amendatory, nor shall there be a reference in the title or body of any bill to the codified statutes or page therein;*" and, as thus amended, the rule is adopted.

That they have adopted rule 14 of the rules of the ninth session in lieu of rule 23, reported by the committee.

That the Council have adopted C. C. R. No. 3, which is herewith transmitted.

That the report of the Superintendent of Public Instruction has been ordered printed.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Notices of the introduction of bills were given as follows:

By Mr. Porter—A bill entitled "An Act to amend section 138 of an act entitled 'An act to amend an act to regulate proceedings in civil cases in the courts of justice of the territory of Montana,'" approved February 13th, 1874.

Also, a bill entitled "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6th, 1873.

By Mr. Thompson—A bill to amend section 31 of "An Act to provide for biennial elections in the territory of Montana."

By Mr. Vivion—A bill for "An Act to regulate and fix the fees of sheriff."

By Mr. Rotwitt—A bill for "An Act reapportioning the members of the Legislative Assembly of Montana."

By Mr. Brainard—"An Act to consolidate the county offices of Meagher county."

Bills were introduced as follows:

By Mr. Dixon—H. B. No. 3, a bill for "An Act imposing certain duties upon the Governor of the territory." Read first and second times, and ordered printed.



By Mr. Chadwick—H. B. No. 4, "An Act to amend an act authorizing the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana," approved February 11th, 1876. Read first and second times, and, on motion of W. F. Sanders, was ordered printed.

By Mr. Hickman—H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876. Read first and second times, and referred to the Committee on Grazing and Stock Growing.

On motion of Mr. Chadwick, a standing committee on rules was appointed, consisting of Mr. Speaker, and Messrs. Sanders (of Lewis and Clarke), McCormick, and Vivion.

C. C. R. No. 3 was read for information, and referred to the Committee on Rules.

Mr. Chadwick, chairman of the Committee of the Whole, reported as follows, to-wit:

MR. SPEAKER:—Your Committee of the Whole House, to which was referred the message of the Governor, have had the same under consideration, and have directed me to report, with its recommendation, that so much thereof as relates to the ravages of the "insect" be referred to the Committee on Agriculture and Manufactures.

That so much thereof as relates to the abstract of the assessment of property for 1876, to the county finances and indebtedness, and to the taxation of spirituous liquors, be referred to the Committee on Ways and Means.

That so much thereof as relates to the fees of jurors, and peremptory challenges thereto, be referred to the Judiciary Committee.

That so much thereof as relates to the care and maintenance of the insane, be referred to the Committee on Territorial Affairs.

That so much thereof as relates to elections, representations of minorities, the expiration of the terms of office of county commis-

sioners, and a new apportionment for legislative purposes, be referred to the Committee on Elections.

That the portion of said message which relates to marks and brands, be referred to the Committee on Grazing and Stock Growing.

That the portion of the said message which relates to the repeal of criminal statutes, to bonded officers, executors, administrators, trustees, and guardians, and fees of the clerk of the supreme court, be referred to the Judiciary Committee.

That the portion of the said message which relates to Big Horn county, be referred to the Committee on Towns and Counties.

That the part of said message which relates to the legislation of the last session, and proceedings thereunder concerning railroads, be referred to the Committee on Internal Improvements.

That the part of said message which relates to the financial officers of the territory, and the finances thereof, be referred to the Committee on Ways and Means.

That the portion of said message which relates to the military operations of the command under General Crook, be referred to the Committee on Indian Affairs.

That the portion of the said message which relates to the construction of a highway from Montana to Bismark, and relative to shipment of stock, be referred to the Committee on Internal Improvements.

That the portion of the said message which relates to the centennial exhibition, be referred to the Committee on Education and Labor.

That the portion of the said message which relates to the territorial convicts, be referred to the Committee on Federal Relations.

That the portion of the said message which relates to the collection of statistics, be referred to the Committee on Towns and Counties.

That the portion of the said message which relates to the Historical Society of Montana, be referred to the Committee on Education and Labor.

That the portion of the said message which relates to the territorial law library, be referred to the Judiciary Committee.

That the portion of the said message which relates to the reservation of the Crow Indians, be referred to the Committee on Indian Affairs.

That the portion of the said message which relates to an examination of the books of the Auditor and Treasurer, be referred to the Committee on Ways and Means.

That the portion of the said message which relates to the yield of the mines, be referred to the Committee on Mines and Minerals.

That the portion of said message which relates to arms and ammunition, to hostile Indians, and trained militia, be referred to the Committee on Military Affairs.

That the remaining portion of said message, which relates to the common schools throughout the territory, to the report of the Superintendent of Public Instruction, and as to the observance of the Sabbath Day, be referred to the Committee on Education and Labor.

CHADWICK, *Chairman*.

Report adopted.

On motion of Mr. Vivion, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Mr. Hyde.

The following communication was received from the Helena Library Association:

HELENA, MONTANA, January 17th, 1877.

*To the Honorable Speaker of the House of Representatives:*

SIR:—The following resolution has been unanimously adopted by the board of directors of the Helena Library Association:

*“Resolved, That the members and officers of the Tenth Legislative Assembly of Montana, while in session, are invited to avail themselves freely of the privileges of the Helena library.”*

The reading room of the association is in the *Herald* building, Broadway, this city, and is open from 2 to 4 o'clock, and from 7 to 9 o'clock P. M. each day, except Sundays, when it is open only from 1 to 2 o'clock P. M.

I have the honor to be, very respectfully,

MASSENA BULLARD,  
*Secretary Helena Library Association.*

The report of the judges of the supreme court was received upon the condition of the territorial law library. Report received and referred to the Committee on Judiciary.

The following communication was received from the Governor, through his private secretary, Ben. R. Dittes, Esq.:

MONTANA TERRITORY,  
EXECUTIVE DEPARTMENT, }  
HELENA, January 17th, 1877.

*To the Legislative Assembly:*

I have the honor to submit to the Legislative Assembly a written proposition from Jay Gould and others, to extend the Utah Northern Railroad to a point in Montana as far north as the mouth of Big Hole, for the sum of one million five hundred thousand dollars, in territorial bonds.

Only one copy of the proposition having been furnished this department, the same is sent to the House of Representatives and a copy to the Council.

Respectfully,

B. F. POTTS.

On motion of W. F. Sanders, the message, with accompanying papers, was referred to the Committee on Internal Improvements.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 17th, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that the following notice has been given :

By Hays—A bill to amend an act, approved February 11th, 1876, entitled “An Act to provide for the support, care, and maintenance of the county sick and poor.”

That the following bills were introduced :

By McAdow—C. B. No. 3, “An Act to provide a system of common schools,” and has been ordered printed.

By Cullen—C. B. No. 4, “An Act to provide for the appointment of commissioners of deeds.”

By Brown—C. B. No. 5, “An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory,” approved Jan. 11th, 1872.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. W. F. Sanders, from the Committee on Rules of Order, reported as follows :

MR. SPEAKER :—The standing Committee on Rules, to which was referred Council Concurrent Resolution No. 3, have had the same under consideration, and report the same back, with the recommendation that it be amended by inserting after the word “thereof,” in line 4, the words “duly signed by the Speaker of the House of Representatives and the President of the Council ;” and by adding to said Council Concurrent Resolution the words, “by the Chief Clerk of the House in which the same originated ;” and that, as amended, the said joint rule be adopted.

All of which is respectfully submitted.

W. F. SANDERS,  
W. J. McCORMICK,  
R. P. VIVION,

*From the House Committee on Rules.*

Also, as follows :

MR. SPEAKER:—Your Committee on Rules, to which was referred the communication from the Council as to the action of that House upon the subject of joint rules for the government of the two Houses, have had the same under consideration, and they recommend that the House concur in the Council amendment to rule 5, heretofore reported by this committee. The members of the committee deeming rule 2, heretofore recommended by the Committee on Joint Rules, of importance to the members of each House, and a proper rule to be adopted, respectfully recommend that the Council be respectfully requested to concur with the House in its adoption. The committee not being advised that there is such an office as secretary of the Council, recommend that the House respectfully request the Council to concur with the House in the adoption of the joint rule 23, heretofore adopted by each House.

All of which is respectfully submitted.

A. E. MAYHEW.

W. F. SANDERS.

W. J. McCORMICK.

R. P. VIVION.

On motion of W. F. Sanders, the reports were adopted.

On motion of W. F. Sanders, the Chief Clerk was instructed to transmit a copy of the last named report to the Council.

Mr. Witter introduced H. B. No. 6, a bill relating to live stock. Read first and second times, and referred to the Committee on Grazing and Stock Growing.

On motion of Mr. Rotwitt, the following resolution was adopted:

*Resolved*, That this House tender a vote of thanks to the Helena Library Association for courtesies extended in offering them the free use of their library during the session.

On motion of W. F. Sanders, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

1265



## ELEVENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 18th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Hickman, Hyde, Porter, and Robbins.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
January 17th, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that McAdow introduced C. B. No. 6, "An Act in relation to printing."

That Mr. Lewis gave notice of the introduction of a bill entitled "An Act relating to surveyed school lands."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Messrs. Hyde and Sanders (of Lewis and Clarke) were granted leave of absence.

Notice s were given as follows:

By Mr. McElroy — A bill relative to the garnisheeing or attaching the wages of the laborer in the hands of his employer.

By Mr. Vivian — A bill for "An Act for the relief of A. W. Tanner."

By Mr. Robinson—A bill to provide for teachers' institutes in the several counties in this territory.

Also, a bill to amend the school law of this territory.

On motion of Mr. Robinson, the following resolution was adopted:

*Resolved*, That a committee of three be appointed to inspect the office of Superintendent of Public Instruction of this territory, and ascertain what duties said officer performs, and to inspect the reports of the county superintendents of the various counties of this territory.

Messrs. Robinson, Batchelder, and Howell were appointed such committee.

On motion of Mr. Kessler, the following resolution (offered by Mr. Rotwitt), was adopted:

*Resolved*, That the several standing committees to which were referred the several parts of the Governor's message, are hereby requested to report on or before Monday, January 29th, 1877.

Mr. Batchelder offered the following resolution, which was, on motion of J. G. Sanders, adopted:

WHEREAS, A uniform practice does not prevail with regard to the assessment and taxation of calves in the different counties of the territory, in some counties (as in Jefferson) calves being taxed, while in others they are not; therefore,

*Resolved*, That the subject be referred to the Committee on Grazing and Stock Growing, for the purpose of securing uniformity of action in this matter throughout the territory, by bill, amendment, or otherwise.

On motion of Mr. Brainard, a committee of three, consisting of Messrs. Brainard, Witter, and Dixon, were appointed to see the Secretary, and ascertain if he can furnish the chairs heretofore requested by this House.

On motion of Mr. Chadwick, the House took a recess until 2 o'clock this P. M.

2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Mr. Hyde.

Notices were given:

By J. G. Sanders—"An Act to protect the treasuries of the counties, and of the territory of Montana."

By Mr. Word—"An Act to authorize the Governor to contract for the keeping and maintenance of territorial convicts in the United States penitentiary at Deer Lodge."

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 18th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills were given:

By Cullen—"An Act to provide for the employment of stenographers in the district courts."

By Hays—"An Act in relation to swine."

By Mitchell—"An Act to secure railroad communication to the people of Montana."

That Hays introduced C. B. No. 7, "An Act to provide for the support, care, and maintenance of county sick and poor."

That the Council has concurred in House amendments to C. C. R. No. 3, in relation to joint rule 24.

That rule 2, reported by the joint committee on rules, heretofore rejected by the Council, has been adopted as requested by the committee of the House.

That the Council has adopted joint rule 23, as reported by joint committee on rules, and the Council have recommitted the joint rules as adopted to the joint committee on rules, with instructions to have the same printed.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Dixon, from the Committee on Printing, reported as follows:

MR. SPEAKER:—Your Committee on Printing, to whom was referred House Bills Nos. 1 and 3, beg leave to report the same correctly printed.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred House Bill No. 2, being "An Act to pay for the support and maintenance of insane," beg leave to report the same back to the House, with accompanying documents, and with the recommendation that the same be amended as follows: Strike out the words "sixteen hundred and fifty-eight dollars and twelve cents," where they occur in the 4th and 5th lines of section 1 of said bill, and insert in lieu thereof the words "fifteen hundred and seventy-five dollars."

With such amendment, your committee recommend that the bill pass the House.

WORD, *Chairman.*

H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," was referred to the Committee on Territorial Affairs.

H. B. No. 3, a bill for an act imposing certain duties upon the Governor of the territory, was referred to the Committee on Ways and Means.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to which certain portions of the message of the Governor were referred, has had the same under consideration, and beg leave to report the same back to the House with the following recommendations:

That so much thereof as relates to the taxation of the fees of jurors to the unsuccessful party, they recommend that the present

law be so changed as to provide for the taxation against such unsuccessful party in the probate court, in cases where a jury is demanded, the sum of three dollars, and in the district court, the sum of six dollars; and that the moneys so taxed, when collected, be paid into the county treasury. That your committee are of the opinion that such taxation, and the collection thereof, is not inhibited by anything contained in the constitution of the United States, or the organic act of Montana territory.

That so much of the message as relates to the peremptory challenges to jurors, your committee recommends that no change be made in the present law now in force; believing that the number now allowed cannot be reduced with a due regard to a just and careful administration of the law relating to trials.

That so much of the message as relates to a saving clause in an act repealing a criminal statute, your committee recommend that all acts repealing such criminal statutes, or amending the same, should contain a clause saving offences against the statutes and prosecutions pending, unless good reason exists for omitting same.

That your committee have also had under consideration that portion of the message and the accompanying report of the judges of the supreme court, relating to the territorial law library, and would recommend that action be taken by the House, at an early day, to provide for the care and custody of such library, with a view to the preservation and convenient use thereof.

W. F. CHADWICK, *Chairman.*

The amendments as reported by the Committee on Ways and Means to House Bill No. 2, were adopted.

On motion of Mr. Sanders (of Lewis and Clarke), section 1, line 16, was amended by striking out the word "per" and "appears by the" inserted in lieu thereof.

And on motion of W. F. Sanders, the bill, with the amendments, was laid on the table, to be taken up and made the special order for 10:30 A. M., on the 19th inst.

On motion of W. F. Sanders, the following resolution was adopted:

*Resolved*, That the Committee on Rules be instructed to act as a joint committee on rules for the government of the two Houses, and in that capacity to co-operate with the Council joint committee in securing the printing of the joint rules; and also, that they procure copies of the rules of the House, to be printed.

On motion of W. F. Sanders, rule 38 of the House rules was amended by adding the following:

“20. A Committee on Rules, to consist of four members, of which the Speaker shall be chairman.”

On motion of Mr. Word, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## TWELFTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 19th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Mr. Hyde.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Robbins, chairman of the Committee on Grazing and Stock Growing, reported as follows:

MR. SPEAKER:—Your Committee on Grazing and Stock Growing, to whom was referred that portion of His Excellency the Gov-



ernor's message relative to the law on marks and brands, would respectfully recommend that the duties of the recorder of marks and brands be performed by the Territorial Treasurer, and that the fee now allowed by law be paid into the territorial treasury.

Report received.

The following message was received from the Council :

COUNCIL CHAMBER, }  
January 18th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that McAdow gave notice of the introduction of bill entitled "An Act to compel the owners of ditches to keep the same in repair."

That Mr. Hays introduced C. B. No. 8, "An Act in relation to swine."

That C. B. No. 4, a bill to provide for the appointment of commissioners of deeds, has passed the Council.

Also, C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872, has passed the Council, and they are herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Brainard, chairman of a select committee, reported as follows:

MR. SPEAKER:—Your select committee appointed to wait on the Secretary, requesting him to furnish chairs for the use of the House, beg leave to submit the following report: That he has used all the funds appropriated for that purpose, but he will endeavor to borrow the number required.

Report received, and the committee discharged.

Notices of the introduction of bills were given:

By Sanders (of Lewis and Clarke), a bill for "An Act concerning corporations."

Also, a bill for "An Act to provide for publishing the reports of the supreme court of the territory."

Also, a bill for "An Act to curtail county expenses."

Also, a bill for "An Act to encourage railroad communication to Montana."

By Kessler—A bill for "An Act to define certain offenses, and provide punishment therefor."

By Mr. Robbins—A bill relative to marks and brands.

By Mr. Mood—A bill for the better protection of game.

By Mr. Vivion—A bill for "An Act to amend section 192 of an act concerning executors and administrators."

Also, a bill for "An Act to empower the county commissioners to open streets and alleys in towns and cities in this territory regularly pre-empted and laid out under the law."

Mr. Vivion introduced H. B. No. 8, a bill for "An Act for the relief of Albert W. Tanner." Read first and second times, and referred to the Committee on Ways and Means.

The hour having arrived at which H. B. No. 2, "An Act to pay for the support and maintenance of the insane," was made the special order, the bill was taken up, and Mr. Sanders (of Lewis and Clarke) moved to amend by striking out the words "fifteen hundred and seventy-five" where they occur, and insert the words "twelve hundred" in lieu thereof; upon which motion the ayes and nays were called.

Those voting in the affirmative were: Batchelder, Davis, Hickman, Kessler, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, and Witter—12.

Those voting in the negative were: Brainard, Chadwick, Dixon, Galen, Howell, Ives, McCormick, Mood, Robbins, Vivion, Word, and Mr. Speaker—12.

Absent on leave—Mr. Hyde—1.

Absent without leave—Mr. McElroy—1.

And the amendment was lost.

The bill was then ordered engrossed, as amended, for a third reading.

Mr. Robinson introduced H. B. No. 9, "An Act to amend an act to provide for a system of common schools."

Also, H. B. No. 10, "An Act to authorize the holding of county teachers' institutes."

Mr. Word introduced H. B. No. 11, "An Act to amend the criminal practice act, and for other purposes."

Also, H. B. No. 12, a bill for "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge."

Mr. Thompson introduced H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana."

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 18th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 2, "An Act providing for the election of county assessors," has passed the Council, and is herewith transmitted.

That C. B. No. 6, "An Act in relation to printing," has passed the Council, and the title amended.

The following notices were given:

By Mitchell—"An Act to allow time to the convicts of the territorial penitentiary for good behavior."

By Waterbury—"An Act to aid common schools."

The following bills were introduced:

By McAdow—C. B. No. 9, "An Act to compel the owners of ditches to keep the same in repair."

By Brown—C. B. No. 10, "An Act to increase and render uniform the compensation of grand and trial jurors in the district courts of the territory of Montana."

By Cullen—C. B. No. 11, "An Act to provide for the employment of stenographers in the district courts."

Also, by Cullen—C. J. R. No. 1, to provide for payment of freight on arms.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of W. F. Sanders, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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### THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 20th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Robinson, Robbins.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Chadwick, Mr. Robbins was granted leave of absence for the day.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
January 19th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following notices were given:

By Hays—A bill to encourage the construction of a railroad from the head of navigation, on the Yellowstone river, to the eastern boundary of Deer Lodge county.

By Brown—A bill for "An Act to amend certain sections of an act entitled 'An Act to provide against the killing of game and catching of fish;' and to repeal an act entitled 'An Act relating to the killing of game and catching fish,'" approved January 2, 1872.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. J. G. Sanders, from the Committee on Engrossment, reported as follows :

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred House Bill No. 2, entitled "An Act to pay for the support and maintenance of the insane," beg leave to report that they have examined the same and find the same correctly engrossed.

Mr. Hickman, from the Committee on Ways and Means, reported as follows :

MR. SPEAKER:—We, your committee to whom was referred House Bill No. 8, beg leave to report that we have had the same under consideration, and have agreed to report same back to the House with the recommendation that it do not pass.

R. O. HICKMAN,  
*Of Committee on Ways and Means.*

W. F. Sanders moved to adopt the report; upon which motion the ayes and nays were called.

Those voting in the affirmative were: Messrs. Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Witter, Word, and Mr. Speaker—24.

Those voting nay were: Mr. Vivion—1.

Absent on leave—Mr. Robbins.

The following message was received from the Governor:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
HELENA, M. T., January 19th, 1877. }

*To the Legislative Assembly:*

I have the honor to submit the report and vouchers of Joseph P. Woolman, Esq., Centennial Commissioner for Montana, showing the expenditure of the centennial appropriation. I respectfully request that the report and vouchers be carefully examined.

The collection of ores exhibited by the territory is now in charge of the Smithsonian Institute, and I have been requested by the officers of the institute to ask the legislature to donate the collection to the care and custody of said institute. As the collection would sell for but little if offered for sale, I respectfully recommend that it be donated to the Smithsonian Institute, and thereby give the ores of Montana a place in the national museum. You are respectfully requested to decide at an early day what disposition shall be made of the collection.

Only one copy of the report and vouchers having been furnished this department, the same is sent to the House of Representatives.

Respectfully,

B. F. POTTS.

Mr. Chadwick moved that the message, with the accompanying papers, be referred to the Committee on Education and Labor.

Mr. Davis moved to amend by referring to the Committee on Mines and Minerals; upon which amendment the ayes and nays were called.

Those voting aye were: Messrs. Davis, Howell, Hyde, McCormick, Porter, Robinson, Vivion, Word, and Mr. Speaker—9.

Those voting nay were: Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Ives, Kessler, McElroy, Mood, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Witter—16.

And the amendment was lost.



Mr. Chadwick's motion was then adopted.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to which was referred H. B. No. 3, being an act entitled "An Act imposing certain duties upon the Governor of the territory," beg leave to report the same back to the House with the recommendation that the bill do pass.

On motion of Mr. Davis, the report was adopted.

Notices of the introduction of bills were given, as follows:

By Mr. Howell—A bill to amend an act entitled "An Act concerning licenses."

By Mr. Chadwick—A bill entitled "An Act relative to the territorial library."

Also, a bill entitled "An Act to provide for the taxation of a jury fee in civil cases in the courts of the territory."

By Mr. Davis—A bill authorizing a re-survey of Helena town site.

By Mr. Sanders (of Lewis and Clarke)—A bill for "An Act with reference to the exhibit of Montana at the national exhibition."

Bills were introduced:

By Mr. Rotwitt—H. B. No. 14, a bill for "An Act reapportioning the members of the Legislative Assembly."

By Mr. Davis—H. B. No. 15, a bill for "An Act regulating the duties of county commissioners."

C. B. No. 2 was taken up, "An Act providing for the election of county assessors." Read first and second times.

Mr. Sanders (of Lewis and Clarke), offered the following amendment, which was, on motion, referred, with the bill, to the Committee on Ways and Means:

I move to amend by striking out the words "there shall be elected," in section 1 of the bill, and insert in lieu thereof the words "there shall be appointed by the board of county commissioners." Also, strike out the words "at the next general election" where they occur in section 1 of the bill, and insert in lieu thereof, the words "at their last regular session in 1878, and biennially thereafter."

Mr. McCormick in the chair.

C. B. No. 4, a bill to provide for the appointment of commissioners of deeds, read first and second times, and referred to the Committee on Judiciary.

C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872, read first and second times, and referred to the Committee on Ways and Means.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 20th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that notices of the introduction of bills have been given as follows:

By Hays—A bill to prohibit the sale of spirituous liquors on the Sabbath.

By Allebaugh—A bill to amend section 286, chapter 12, criminal practice act, approved January 12th, 1872, codified statutes, page 234.

Mr. Waterbury introduced C. B. No. 12, "An Act for the benefit of common schools."

That the following bills have passed the Council, and are herewith transmitted:

C. J. R. No. 1, to provide for payment of freight on arms.

C. B. No. 7, "An Act supplemental to an act to provide for the support of the county sick and poor."

C. B. No. 8, "An Act in relation to swine."

That C. J. R. No. 1 is transmitted, with accompanying documents.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Speaker in the chair.

On motion of Mr. Hickman, the House took a recess until 3 o'clock P. M.

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3 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Robbins absent on leave.

C. B. No. 6, "An Act in relation to printing the centennial address of W. A. Clark, Esq.," read first and second times.

Mr. Sanders (of Lewis and Clarke) offered the following amendment: Strike out the words "five hundred" where they consecutively occur in the bill, and insert the words "two hundred" in lieu thereof.

And the bill, with the amendment, was, on motion of Mr. Word, referred to the Committee on Education and Labor.

C. B. No. 7, "An Act supplemental to an act to provide for the support, care, and maintenance of the county sick and poor," read first and second times, and referred to the Committee on Towns and Counties.

C. B. No. 8, "An Act in relation to swine," read first and second times.

On motion of Mr. Sanders (of Lewis and Clarke), the following amendment was adopted: Amend by striking out the proviso in section 3.

On motion of Mr. Sanders (of Jefferson), the following amendment to section 2 was adopted: Strike out the words "one hundred and," in section 2.

Referred, with the amendments, to the Committee on Grazing and Stock Growing.

C. J. R. No. 1, to provide for payment of freight on arms, read first and second times, and referred to the Committee on Military Affairs.

H. B. No. 9, "An Act to amend an act entitled 'An Act to provide for a system of common schools,'" read first and second times, and referred to the Committee on Education and Labor.

H. B. No. 10, "An Act to authorize the holding of a county teachers' institute," read first and second times, and referred to the Committee on Education and Labor.

H. B. No. 11, "An Act to amend the criminal practice act." read first and second times, and referred to the Committee on Judiciary.

H. B. No. 12, a bill for "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge," read first and second times, and made the special order for 11 o'clock A. M. on Monday, 22d inst.

H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana," read first and second times, and referred to the Committee on Elections.

H. B. No. 14, a bill for "An Act reapportioning the members of the Legislative Assembly." read first and second times, and ordered printed.

H. B. No. 15, a bill for "An Act regulating the duties of county commissioners," read first and second times, and, on motion of Mr. Davis, the bill was amended by inserting the words "Be it en-

acted by the Legislative Assembly of the territory of Montana" after the title. The bill was then referred to the Judiciary Committee.

Mr. Dixon, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER:—Your committee to whom was referred House Bill No. 4, beg leave to report the same correctly printed, with the exception of section 3, line 29, should read "clerk of county commissioners" instead of "chairman;" section 5, line 1, should read "county commissioners of" instead of "or;" and section 9, line 6, should "pro rata upon the amount."

On motion of Mr. Chadwick, H. B. No. 4 was referred to the Committee on Towns and Counties.

H. B. No. 2, "An Act to pay for the support and maintenance of the insane," was read for information.

On motion of W. F. Sanders, the bill was recommitted to the Committee of Ways and Means, with instructions to bring in an itemized account for medical attendance and clothing.

H. B. No. 8, a bill for "An Act for the relief of Albert W. Tanner," was, on motion of W. F. Sanders, considered engrossed, read the third time, and lost by the following vote:

*Ayes*—None.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Mr. Speaker—23.

Absent—McCormick, Robbins, and Word.

W. F. Sanders moved to reconsider the vote by which H. B. No. 8 was lost; and then moved to lay that motion on the table, which motion prevailed.

H. B. No. 3, "An Act imposing certain duties upon the Governor of the territory," was taken up.

Mr. Chadwick moved to strike out the words "three hundred" where they occur in the bill and insert "two hundred;" upon which motion the ayes and nays were called.

Those voting aye were: Batchelder, Brainard, Chadwick, Davis, Galen, Hyde, Mood, Robinson, Sanders (of Jefferson), Steele, and Thompson—11.

Those voting nay were: Dixon, Hickman, Howell, Ives, Kessler, McElroy, Porter, Rotwitt, Sanders (of Lewis and Clarke), Vivion, Witter, Word, Mr. Speaker—13.

And the amendment was lost.

On motion of W. F. Sanders, the bill was considered engrossed, read the third time, and passed—ayes 15, nays 9.

Those voting aye were: Batchelder, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McElroy, Mood, Porter, Sanders (of Lewis and Clarke), Steele, Word, and Mr. Speaker—15.

Those voting nay were: Brainard, Chadwick, Hyde, Rotwitt, Robinson, Sanders (of Jefferson), Thompson, Vivion, Witter—9.

Mr. Sanders (of Lewis and Clarke) moved to change title so as to read: "A bill for an act to facilitate the conviction of robbers of stage coaches."

On motion of Mr. Howell, the words "of stage coaches" were stricken out.

The title was then adopted as amended.

On motion of Mr. Howell, the House adjourned to Monday, 10 o'clock A. M.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*



## FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 22d, 1877. }

The House met pursuant to adjournment.

Roll called—quorum present.

Absent—Robinson.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Ives, chairman of the Committee on Education and Labor, reported as follows :

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred House Bill No. 10, beg leave to report that we have had the same under consideration, and recommend that said bill do pass.

Also, as follows :

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred certain portions of the Governor's message, beg leave to report that they have had such portions of said message under consideration, and would beg leave to report that they recommend the passage of Council Bill No. 6, with the amendments thereto recommended in their report upon said bill, and to which, the report upon said bill, your committee refer as their report on that portion of the message.

That upon that portion of the message relating to the Historical Society of Montana, your committee, believing that said society is conducive to the public welfare of the territory, in keeping alive interests that would otherwise be lost sight of in the general haste and scramble in pursuits which promise a speedy yield of money and property to the individual ; and believing, too, that by a preserva-

tion of the historical events of this portion of country, so recently a comparative waste, unknown to the civilized world, except to the few engaged in pursuits of hunting and trapping, and a portion of the continent so soon to be the home of millions of prosperous and cultivated freemen, whose desire to know the history of their new homes can only be satisfied by an interest taken by the public in its representative capacity, and by an expenditure that to all must look meagre compared with the important results to be derived; and believing, too, that the small expenditure for this purpose hitherto made by former legislatures is scarcely adequate, your committee therefore recommend that the annual appropriation for such purpose, and for the benefit of said society, by the legislature, be not interfered with.

Upon that portion of the message relating to public schools, your committee believe that too much care cannot be exercised in fostering the educational interests of our nascent commonwealth; that we believe that the present school law of the territory, with a few immaterial amendments, will suffice for the present, and we refer to our report upon House Bills Nos. 9 and 10 as part of our report upon this part of said message.

Upon that portion of said message relating to a Sunday law, we believe that public gambling should be inhibited by penal statutes; that as civilization is appreciating by force of the growth of society and public sentiment, legislation should at least keep pace with, if not in advance of, refined sentiment, and however desirable morality in its most refined sense may be, we do not believe it wise in legislation, in promoting that end, to advance by too rapid bounds too far in advance of public sentiment; that such end should be attained by gradual advances in public sentiment and legislation; that experience proves that too stringent laws, in advance of and against public sentiment in such matters, the public is, by long custom, taught to believe of no vital importance, remain a dead letter in the statutes; and therefore we recommend no other legislation on this subject than as above named.

All of which is respectfully submitted.

F. C. IVES, *Chairman*.

Also, as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred House Bill No. 9, beg leave to report that we have had said bill under consideration, and recommend that the same be amended by striking out the word "four," in line 5, and inserting in lieu thereof the word "five;" and that said bill, so amended, do pass.

All of which is respectfully submitted.

Adopted.

Mr. Chadwick, chairman of the Committee on Judiciary reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 4, being "An Act concerning the appointment of commissioners of deeds," beg leave to report as follows, to-wit:

Amend said bill by striking out "section 1," in the third line thereof; also, by striking out the words "Montana territory," in the fourth line, and insert in lieu thereof the words "the territory of Montana," and thereafter add "section 1."

Also amend bill by inserting after the words "United States," in line seven, the words "or Dominion of Canada." Also, by inserting after the word "Governor," in line ten, the words "not exceeding the period of five years."

Also amend by inserting as section 3 of the bill, as follows:

"Section 3. That chapter 12 of an act entitled 'An Act revising, re-enacting, and codifying the general and permanent laws of Montana territory,' approved January 12th, 1872, be and the same is hereby repealed. But nothing in this act contained shall be so construed as to terminate the office of any commissioner of deeds heretofore appointed by the Governor of this territory before January 1st, 1878, nor until five years shall have elapsed after the date of his commission."

And that the said bill, so amended, do pass.

On motion of W. F. Sanders, the report was adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 5, being “An Act to repeal section 1, chapter 94, of the codified statutes, Montana territory,” approved January 11th, 1872, beg leave to report as follows, to-wit:

Amend by striking out, in lines seven, eight, and nine, the following words where they occur consecutively: “Chapter 94 of the codified laws of Montana territory.”

Also amend by striking out sections 2 and 3 of said Council Bill, and that the same, so amended, do pass.

Mr. Brainard, chairman of the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER:—Your Committee on Territorial Affairs, to whom was referred that part of the Governor’s message relating to the “insane,” have had the said part thereof under consideration, and would recommend to the careful consideration of the House, the same as comprised in House Bill No. 1, and that your committee beg leave to refer to their report on said bill as their report on said part of said message. All of which is respectfully submitted.

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, which has had under consideration House Bill No. 4, beg leave to report the same back, and recommend the following amendments, to-wit:

Amend section 2, line 3, by striking out the word “fifty,” and insert in lieu thereof the word “seventy-five.”

Also, in same section and line, insert after the word “voters” the words “being *bona fide* residents and tax-payers.”

Also, amend section 13, line 2, by striking out the words “five thousand,” and insert in lieu thereof the words “three thousand five hundred.”

Also, amend section 14 by adding thereto the words: “that the treasurer of the several counties voting such aid shall be entitled

to receive on all sums of money coming into his hands under the provisions of this act, five per cent on all amounts not exceeding three thousand dollars, and on all amounts over three thousand dollars, two and one-half per cent."

That the said bill is reported back without further recommendation.

On motion of Mr. Brainard, the report was adopted.

Mr. Howell reported as follows:

HELENA, January 22, 1877.

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred that portion of the Governor's message referring to arms, ammunition, and the organization of the militia, respectfully report that they have had the same under consideration, and that bills will be introduced in accordance with the recommendations contained therein.

Also, as follows:

HELENA, January 22, 1877.

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred Council Joint Resolution No. 1, respectfully report the same back with the following amendment, to-wit: Strike out the words "one thousand and twenty-seven dollars and forty-nine cents," and insert "one thousand and eighty-one dollars and fifty-seven cents;" the amount thus stricken out being the amount due in currency, and the amount to be inserted being the amount due in warrants, at ninety-five (95) cents on the dollar.

Being thus amended, your committee recommend that the resolution do pass.

On motion of Mr. Howell, the report was adopted.

Mr. Brainard made the following majority report on H. B. No. 1:

MR. SPEAKER:—Your committee to whom was referred House Bill No 1, relative to the establishment and maintenance of an insane hospital, beg leave to report that we have examined said bill and recommend the following amendments thereto, to-wit:

Amend section 1 of said act, by inserting after the word "thereof," in line 3, the words: "one of whom shall be a resident of each judicial district of said territory."

Amend section 2 by inserting in line 11, after the word "required," the words "and approved," and after the words "by the" the word "Governor," and after the words "sum of" insert "two thousand;" and insert in line 10, after the word "shall," the word "each," and after the word "office," in line 17, the words "in the sum of five thousand dollars;" and by filling up the blanks in lines 18 and 19 by inserting as follows, so as to make said sentence read: "first Monday of January, April, July, and October."

Amend section 4 by striking out the word "of" in line 1, and by inserting in lieu thereof the word "after," and by striking out of said section the following, to-wit: "not more than four miles from a large town."

Amend section 7 by inserting in lieu of the word "six," in line 2, the word "two."

Amend section 9 by inserting after the word "indigent," in the first line, the word "insane."

Amend section 10 by striking out all after the word "institution," in line 5, and insert instead thereof the following, to-wit: "A lien is hereby declared to exist on all property of said persons, in favor of said trustees, from the time of the arrest of such person, or if not arrested before indictment found, then from the date of such indictment, to the extent of the regular charges of the institution for the care and attention bestowed on such person: *Providid*, That when such person is the head of a family residing in this territory, such lien shall extend only to such property of such person as is subject to execution, and not exempt therefrom under the laws of said territory."

Amend section 11 of said act by inserting after the word "territory," in line 19, the words: "who are under a legal obligation to support or maintain such insane person."

Amend section 12 by adding to said section, the following: "subject to the exemptions provided for in section 10 of this act."



That, with the foregoing amendments, your committee recommend the passage of said bill.

All of which is respectfully submitted.

H. B. BRAINARD, *Chairman.*

JOS. DAVIS,

J. G. SANDERS.

Mr. Robinson made the following minority report :

MR. SPEAKER:—The undersigned, a minority of your committee to whom was referred House Bill No. 1, beg leave to report that we recommend the amendments contained in the report of a majority of said committee, and would further recommend the following amendment thereto, to-wit :

That section 5 of said act be amended by adding thereto the following, to-wit : “ *Provided*, said trustees may, instead of building said hospital, as provided for in this section, in their discretion purchase some tract of land with suitable buildings thereon, in which case said buildings may be of wood, stone, or brick ; and in case such purchase be made, then said trustees shall fit said building up, and make the necessary preparation for the reception of the said insane, as provided for in this act.”

All of which is respectfully submitted.

H. H. MOOD,

J. C. ROBINSON,

*Minority.*

On motion of Mr. Word, H. B. No. 1, with the majority and minority reports, was made the special order for 3 o'clock P. M. \*on the 23d instant, to be considered in Committee of the Whole.

W. F. Sanders, from the Committee on Internal Improvements, reported as follows :

MR. SPEAKER:—Your Committee on Internal Improvements, to which certain portions of the Governor's message were referred, have had the same under consideration, and report the same back to the House without recommendation.

The failure, by the electors, to approve the act entitled “An Act

to encourage the construction of the Northern Pacific Railroad in the territory of Montana," approved February 11th, 1876, did not result from indifference to the benefits to be derived from railroad communication. It resulted, rather, from an opinion, entertained in a greater or lesser degree, that the proposed road would, after having exhausted the capacity of the people to aid in the construction of said road, still be too far from the principal settlements and industries of the territory to justify the assumption of the burdens which that act imposed.

That the Northern Pacific railroad will ultimately be completed is certain, with or without aid from this territory; but nothing has transpired in its recent history to enable us to judge of the time its construction will require. It is destined to be a great artery of commerce across the continent, and will transact an immense business in the territory of Montana.

The construction of a road from the settlements of Montana to the Central and Union Pacific roads in Utah, would directly connect the territory with the centers of mining industry, and quicken into remunerative activity the mining interests of the territory. It would form a part of a road destined, in a not remote future, to connect the settlements of the British North-west territories with Mexico, by a road along or near the Rocky Mountains. A proposition has, since the submission of the Governor's message, been received from capitalists to construct a portion of this road, which His Excellency has transmitted to this House, and which will be the subject of further consideration during the present session.

The attempt to connect the mining localities with the head of navigation upon the Missouri river, by the construction of a railroad from Fort Benton to Helena, has thus far met the cordial and decided approval of all the communities which have been permitted, under the forms of law, to express their opinion thereon. That river, with its adjunct and tributary, the Yellowstone, must always be the dependence of Montana for cheap transportation of our heavy exports, and the interest of the people in the construction of this road is universal. Whether its construction cannot be secured for a less subsidy than \$700,000, may be properly inquired. It is believed that with proper legislation sufficient aid would be

granted by other counties than Lewis and Clarke and Chouteau to secure its construction.

The pacification or disarmament of the Indians in the eastern parts of the territory, and the construction of the military posts now in contemplation by the Lieutenant General of the army, with a small post near Fort Peck, on the Missouri, will give to the owners of cattle two highways over which immense herds may be securely driven every summer, fattening as they go toward the eastern market.

These roads, along the north bank of the Yellowstone and the north bank of the Missouri, afford ample pasturage and water, and the settlement of the Indian troubles, now assured, will make them of great practical utility.

The committee expresses its cordial endorsement of what the Governor is pleased to say in this regard.

The further consideration of the subjects which have been referred to this committee will probably be its duty when specific measures arise, and until then no further discussion or report seems necessary.

All of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

Report received.

Notices of the introduction of bills were given as follows :

By Mr. Robinson—A bill for the purpose of aiding in the construction of a railroad from Franklin, in Idaho territory, to some point near the mouth of the Big Hole river, Montana territory.

By Mr. Hyde—A bill to amend section 27 of the election law.

By Mr. Batchelder—A bill for "An Act to amend an act to provide for biennial elections in the territory of Montana," approved February 11th, 1876.

Bills were introduced as follows :

By Mr. Chadwick—H. B. No. 16, "An Act relative to the territorial library." Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 17, "An Act to provide for the taxation of a jury fee in civil cases in the courts of this territory." Read first and second times, and referred to the Committee on Judiciary.

By Mr. Vivion—H. B. No. 18, a bill for "An Act relative to the duties of county commissioners." Read first and second times, and referred to the Committee on Judiciary.

By Mr. Howell—H. B. No. 19, "An Act to amend an act concerning licenses," approved May 8th, 1873. Read first and second times, and referred to the Committee of Ways and Means.

By J. G. Sanders—H. B. No. 20, "An Act to protect the treasuries of the counties, and of the territory of Montana." Read first and second times.

On motion of Mr. Robinson, the bill was amended as follows: Strike out section 7, and insert the following as section 7:

"Section 7. That, for the purpose of more fully making such examination, such commissioners shall cause said treasurer to make oath before some person authorized to administer oaths, that the money he represents to said commissioners belongs to the county; and shall also cause a similar oath to be administered to the person or corporation with whom such money may be deposited."

The bill was then ordered printed as amended.

By Mr. Robbins—H. B. No. 21, a bill for "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1873 (codified statutes, page 563). Read first and second times, and referred to the Committee on Grazing and Stock Growing.

By Mr. Galen—H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana." Read first and second times, and Mr. Word offered the following amendment: Strike out section 5.

The bill, with the amendment, was then referred to the Committee on Agriculture and Manufactures.

By W. F. Sanders—H. B. No. 23, a bill for "An Act with reference to the exhibit of Montana at the national exhibition." Read first and second times, and referred to the Committee on Education and Labor.

By Mr. Howell—H. B. No. 24, "An Act for the relief of F. C. Deemling for expenses in rebuilding the carriage of the twelve-pounder mountain howitzer stationed at Virginia City, the property of the territory." Read first and second times.

On motion of W. F. Sanders, the following amendment was adopted: Insert the following before the words "section 1:" "Be it enacted by the Legislative Assembly of the territory of Montana."

The bill was then referred to the Committee on Military Affairs.

By Mr. Vivion, on leave—H. J. M. No. 1, in relation to restoring a portion of the Crow Indian reservation to the public domain. Read first and second times, and, on motion of Mr. Hickman, was referred to the Committee on Federal Relations.

On motion of Mr. Vivion, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Chadwick, H. B. No. 4, "An Act to amend an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana territory," approved February 11th, 1876, with the amendments, was made the special order for 2:10 o'clock on Tuesday, the 23d inst.

H. B. No. 9, "An Act to amend an act entitled 'An Act to provide for a system of common schools,'" was, on motion of W. F. Sanders, recommitted to the Committee on Education and Labor.

H. B. No. 10, "An Act to authorize the holding of a county teachers' institute," was taken up, and, on motion of Mr. Witter, was recommitted to the Committee on Education and Labor.

The following message was received from the Council, through Horace C. Lewis, Assistant Clerk :

COUNCIL CHAMBER, }  
January 22d, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills have been given :

By McAdow—A bill to amend section 10 of "An Act concerning notaries public," approved February 8th, 1876 (session laws, page 115).

Also, "An Act to authorize the trustees of school district No. 7, in Gallatin county, Montana territory, to issue and sell coupon bonds of said district, for school purposes."

By Brown—"An Act to amend section 190 of chapter 3 of an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana territory,'" approved January 12th, A. D. 1872.

By Cullen—"An Act to amend the criminal practice act."

Also, "An Act relative to mining corporations."

Also, a bill entitled "An Act concerning apprentices."

That the following bills have been introduced :

By Hays—C. B. No. 13, "An Act to prohibit the traffic in intoxicating liquors on Sundays." Ordered printed.

By Waterbury—C. B. No. 14, "An Act to give the poor man the same rights as the rich man in all courts of justice." Ordered printed.

By Lewis—C. B. No. 15, "An Act concerning elections." Ordered printed.

By McAdow—C. B. No. 16, "An Act to authorize the trustees of school district No. 7, in Gallatin county, Montana territory, to issue and sell coupon bonds of said district for school purposes."



By Allebaugh—C. B. No. 17, a bill to amend section 286, chapter 12, of the criminal practice act, approved January 12, 1872 (codified statutes, page 234). Ordered printed.

By Hays—C. J. M. No. 1, asking for the establishment of a post route between Helena, Montana, and Deadwood City, Dakota.

By Cullen—C. C. R. No. 4, to authorize the Judiciary Committees to employ a clerk, which has passed the Council, and is herewith transmitted.

The following bills have passed the Council, and are herewith transmitted, to-wit :

C. B. No. 9, "An Act to compel the owners of ditches and flumes to keep the same in repair."

C. B. No. 11, "An Act to provide for the employment of stenographers in the district court."

That Mitchell introduced C. B. No. 18, "An Act to secure railroad communication to the people of Montana." Ordered printed.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of W. F. Sanders, H. B. No. 12, a bill for "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge," was taken up, and the House resolved itself into Committee of the Whole to consider said bill—Mr. McCormick in the chair.

The House resumed—Mr. Speaker in the chair.

On motion of Mr. Chadwick, the House resolved itself into Committee of the Whole to consider H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory,"—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

Mr. Word, chairman of the Committee of the Whole House, reported as follows:

MR. SPEAKER:—Your Committee of the Whole, to whom was referred House Bill No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," beg leave to report the same back to the House, to be considered at some future time.

On motion, H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," was ordered engrossed.

C. B. No. 4, a bill to provide for the appointment of commissioners of deeds, was taken up, and the amendments as reported by the Judiciary Committee were adopted, and the amendments ordered engrossed for a third reading.

C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872, was taken up. The amendments as reported were adopted, and ordered engrossed for a third reading.

H. J. R. No. 1, to provide for the payment of freight on arms, was taken up, and, on motion of W. F. Sanders, the amendments reported by the Committee on Military Affairs were adopted.

The resolution was adopted as amended, and the rules were suspended, the resolution considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Word, and Mr. Speaker—26.

*Nays*—None.

Mr. McCormick, chairman of the Committee of the Whole House, made the following report:

MR. SPEAKER:—As chairman of the Committee of the Whole, on House Bill No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in

the United States penitentiary at Deer Lodge," I am instructed to report the bill back to the House with the following amendments, to-wit:

*First.* Amend the enacting clause by striking out the words "Montana territory" and inserting in lieu thereof the words "the territory of Montana."

*Second.* Amend section 3 by inserting after the word "convict," the following: "for the period of, or not exceeding, two years."

*Third.* Amend section 4 by inserting after the words "fifteen dollars," "and he shall also pay an additional sum of five dollars in money."

*Fourth.* By striking out section 8 of the bill.

With these amendments, the committee recommend that the bill do pass.

McCORMICK, *Chairman.*

On motion of Mr. Howell, the amendments to H. B. No. 12, a bill for "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge," as reported from the Committee of the Whole, were adopted, and the bill adopted as amended.

And, on motion of Mr. Hickman, the bill was ordered engrossed for a third reading.

The following communication was received from the Council, through Mr. Comly, its Chief Clerk:

COUNCIL CHAMBER, }  
January 22d, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have been introduced:

By the Committee on Military Affairs—C. B. No. 19, "An Act to provide for the organization of the militia." Ordered printed.

By McAdow—C. B. No. 20, a bill to amend section 10 of an act concerning notaries public, approved February 8th, 1876 (session laws 1876, page 115).

By Hays—C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone, to the eastern boundary of Deer Lodge county." Ordered printed.

By Brown—C. B. No. 22, "An Act to amend section 190, chapter 3, of an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana territory.'"

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Witter, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

Attest: A. H. BARRET, *Chief Clerk.*

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## SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 23d, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. Robinson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Dixon reported as follows:

MR. SPEAKER:—Your committee to whom was referred the printing of order of business, beg leave to report the printing of same, and now in possession of each member of the House.

Report received.

Mr. Chadwick, chairman of the Judiciary Committee, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, which has had under consideration H. B. No. 11, beg leave to report the bill back with the recommendation that it does not pass.

Your committee would recommend, as a substitute for said bill, the following section, to-wit:

“Section 1. That whenever any person charged with a felony has been tried, convicted, and sentenced to imprisonment in the territorial prison, and after such conviction, sentence, and imprisonment in such prison, such person shall appeal from the judgment rendered in the district court upon which said sentence is based, to the supreme court of the territory, and such judgment shall be reversed on said appeal, and a new trial granted, and upon a new trial another conviction shall be had, and thereupon such person shall be again convicted and sentenced to imprisonment in the territorial prison, the jury or court, as the case may be, in fixing the period of time for which such person shall be imprisoned, shall take into consideration and deduct from what otherwise would be a just and reasonable period of imprisonment for the offense committed, the time already served by such person under the former conviction and sentence, the minimum time now fixed by statute notwithstanding.”

On motion of W. F. Sanders, the report was adopted.

Mr. Chadwick also reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, which has had under consideration H. B. No. 15, being “An Act relative to the duties of county commissioners,” beg leave to report the same back to the House, with the recommendation that it do not pass.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, which has had under consideration H. B. No. 17, being “An Act relative to the taxation of jury fees in civil cases in the courts of the territory,” beg leave to report the same back, with the recommendation that the same be amended as follows, to-wit:

Amend section 2, in line 4, by striking out the word "twelve," and insert in lieu thereof the word "six."

And that the bill, so amended, do pass.

On motion of W. F. Sanders, the report was adopted.

Mr. Robbins, chairman of the Committee on Grazing and Stock Growing, reported as follows, to-wit:

MR. SPEAKER:—Your Committee on Grazing and Stock Growing, to whom was referred Council Bill No. 8, entitled "An Act in relation to swine," beg leave to report the same back to the House, with the following amendment:

Insert between the words "to" and "Missoula," in the last line of section 3, "any part of." Also, add after the word "county," in said last line of section 3, "except the town of Missoula."

With these amendments, your committee recommend that the bill do pass.

On motion, the bill was recommitted to the Committee on Grazing and Stock Growing.

Mr. Howell, chairman of the Committee on Military Affairs, reported as follows:

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred House Bill No. 24, "An Act for the relief of F. C. Deimling," respectfully report that they have had the same under consideration, and find that the amount appropriated by the bill was paid out for the purposes stated; that the bill is accompanied by the proper affidavits and vouchers, and therefore recommend that the bill pass.

On motion of Mr. Hickman, the report was adopted.

Mr. Robbins reported as follows:

MR. SPEAKER:—Your committee to whom was referred a bill for "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1872 (codified statutes, page 563), would respectfully report that we have had the same under



consideration, and would further recommend that section 3 be stricken out, and that in lieu thereof be inserted or appended, that "the Territorial Treasurer shall keep the books of brands and marks in alphabetical order."

With such amendment or appendix, your committee would report back the bill, and recommend that it do pass.

On motion of Mr. Hyde, the report was adopted.

Mr. Davis, chairman of the Committee on Elections, reported as follows:

MR. SPEAKER:—Your Committee on Elections, to whom was referred House Bill No. 13, report the same back to the House with amendments, recommending it do pass as amended.

Amend section 4 to read as follows: "That section 31, and so much of section 32 of an act to provide for biennial elections, approved February 11th, 1876, as refers to mileage to be paid to the clerk of the board of county commissioners for attending at another county to canvass votes, be and the same is hereby repealed."

Also, that section 5 be stricken out.

Mr. McCormick, chairman of the Committee on Federal Relations, reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred H. J. M. No. 1, in relation to the restoration of a portion of the Crow Indian reservation to the public domain, beg leave to report that they have had the same under consideration, and would report the same back to the House with the recommendation that it do pass.

Report received.

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred Council Bill No. 7, beg leave to report that they have carefully examined the same, and recommend that it do pass.

Mr. Davis, chairman of the Committee on Elections, reported as follows :

MR. SPEAKER:—Your Committee on Elections, to whom was referred that portion of the Governor's message pertaining to the same, beg leave to make the following report: That they have examined the same and recommend the several suggestions to the consideration of the House; and also state that bills, or notices of bills, have been introduced embodying the same; and we further recommend the passage of H. B. No. 13, as amended by your committee.

Report received.

Mr. J. G. Sanders reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred C. B. No. 4, entitled "a bill to provide for the appointment of commissioners of deeds," and C. B. No. 5, entitled "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872, beg leave to report that they have examined House amendments thereto, and report the same correctly engrossed.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred House Bill No. 1, entitled "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," beg leave to report that they have examined said bill and find the same correctly engrossed.

Report received.

Notices were given as follows:

By Mr. Chadwick—A bill concerning the fees of county treasurers.

By Mr. Steele—A bill for "An Act to create the county of Dearborn."

By W. F. Sanders — A bill for "An Act to amend the Helena incorporation act."

Bills were introduced :

By Mr. Brainard—H. B. No. 25, "An Act to consolidate county offices in Meagher county."

By Mr. Batchelder—H. B. No. 26, a bill for "An Act to amend an act to provide for biennial elections in the territory of Montana."

By Mr. Porter—H. B. No. 27, "An Act to amend section 138 of an act entitled 'An Act to amend an act to regulate proceedings in civil cases in the courts of justice in the territory of Montana,' approved February 13th, 1874."

By Mr. Hyde—H. B. No. 28, "An Act to amend section 27 of an act to provide for biennial elections in the territory of Montana."

C. C. R. No. 4, authorizing the Judiciary Committees to employ a clerk, was taken up, and, on motion of Mr. Chadwick, was adopted.

C. B. No. 9, "An Act to compel the owners of ditches and flumes to keep the same in repair," read first and second times, and referred to the Committee on Roads and Highways.

C. B. No. 11, "An Act to provide for the employment of stenographers in the district court," read first and second times, and referred to the Judiciary Committee.

H. B. No. 25, "An Act to consolidate the offices of Meagher county," was read first and second times, and Mr. Chadwick moved to refer to the Committee on Towns and Counties.

Mr. W. F. Sanders moved to amend by referring to a select committee of one from each county with instructions to bring in a bill consolidating such offices as in the judgment of said committee may be proper, general in its application to all the counties of the territory, and reducing their fees.

Mr. Rotwitt moved to amend the amendment by inserting after the words "application to all" the words "or part of;" which was lost.

The ayes and nays were then called upon Mr. Sanders's amendment; which amendment was adopted by the following vote:

*Ayes*—Batchelder, Davis, Galen, Hickman, Howell, Hyde, Kessler, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Vivion, Witter—14.

*Nays*—Brainard, Chadwick, Dixon, Ives, McCormick, McElroy, Mood, Porter, Thompson, Word, Mr. Speaker—11.

The motion as amended was then adopted by the following vote:

*Ayes*—Batchelder, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, Mood, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Vivion, Witter—16.

*Nays*—Brainard, Chadwick, Dixon, McCormick, McElroy, Porter, Thompson, Word, Mr. Speaker—9.

Absent—Mr. Robinson—1.

Messrs. W. F. Sanders, Word, McCormick, Vivion, Galen, Witter, Brainard, Thompson, and Robinson, were appointed such select committee.

On motion of Mr. Davis, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. Robinson.

H. B. No. 26, a bill for "An Act to amend an act to provide for biennial elections in the territory of Montana," read first and second times, and Mr. W. F. Sanders offered the following amendment: Insert after "is" and before the word "unable," "and has, since the same became due, been."

On motion of W. F. Sanders, the bill with the amendment was referred to the Committee on Elections.

H. B. No. 27, "An Act to amend section 138 of an act entitled 'An Act to amend an act to regulate proceedings in civil cases in the courts of justice in the territory of Montana,'" approved February 13th, 1874, was read first and second times, and referred to the Committee on Judiciary.

H. B. No. 28, "An Act to amend section 27 of an act to provide for biennial elections in the territory of Montana," was read first and second times, and, on motion of Mr. Thompson, was referred to the Committee on Elections.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows, to-wit:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was recommitted House Bill No. 2, being "An Act to pay for the support and maintenance of the insane," beg leave to report that the same has been fully considered by the committee. The committee are unable to report to the House, as instructed, any itemized bill of expenditures for medicines, or medical attendance, as none was kept by those having in charge the insane named for the past year. The investigations of the committee, however, led to the information that the St. John's hospital have had in their employ a physician, at a salary of \$400 per year, whose duty, under contract, was to give the insane referred to the necessary medicines and medical attendance; that the said St. John's hospital have also, during the term, charged for furnishing the insane inmates with necessary clothing.

Your committee further report that, in their estimate of a reasonable allowance heretofore made by the committee for keeping the insane named, the value of territorial warrants was figured at 93 cents on the dollar; the committee have since ascertained that the market value of territorial warrants is 95 cents on the dollar. Your committee therefore would recommend that the bill be amended by striking out the words "fifteen hundred and seventy-five dollars," and in lieu thereof insert the words "fifteen hundred and forty-three dollars and fifty cents;" that such sum is not more than a fair and reasonable compensation, under all the circumstances.

And with such amendment, your committee recommend the passage of the bill.

On motion of Mr. McCormick, the report was adopted.

On motion of W. F. Sanders, the amendment was adopted, and the bill adopted as amended, and ordered engrossed for a third reading.

On motion of Mr. Chadwick, the House resolved itself into Committee of the Whole, to consider H. B. No. 4, "An Act to amend an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at, or near Fort Benton, to the city of Helena, Montana territory," approved February 11th, 1876—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 23d, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that the following notices have been given:

By McAdow—A bill to increase the boundaries of Gallatin county.

By Cullen—"An Act to amend chapter 40 of the codified statutes."

By Ford—"An Act in relation to the competency of witnesses."

That H. B. No. 3, a bill for "An Act imposing certain duties upon the Governor of the territory," was read third time, and lost, and Watson gave notice of a motion to reconsider.

That C. J. M. No. 1, asking for the establishment of a post route between Helena, Montana, and Deadwood City, Dakota, has passed the Council, and is herewith transmitted.

That C. B. No. 12, "An Act for the benefit of common schools," has passed the Council, and is transmitted.



That C. B. No. 16, "An Act to authorize the trustees of school district No. 7, in Gallatin county, Montana territory, to issue and sell coupon bonds of said district for school purposes," has passed the Council, and is transmitted.

That C. B. No. 20, a bill to amend section 10 of "An Act concerning notaries public," approved February 8th, 1876 (session laws 1876, page 115), has passed the Council, title amended, and is herewith transmitted.

That the Council have concurred in House amendment to C. J. R. No. 1, in relation to payment of freight on arms, and ordered the same enrolled.

That C. C. R. No. 5, postponing consideration of railroad matters, has passed the Council, and is herewith transmitted.

That Brown introduced C. B. No. 23, "An Act to amend section 4 of an act entitled 'An Act to protect fur-bearing animals and fish in the territory of Montana,'" approved February 5th, 1876.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
January 23d, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that the following bills have been introduced:

By Mr. Cullen—C. B. No. 24, "An Act relative to mining corporations."

Also, C. B. No. 25, "An Act to amend the criminal practice act."

Also, C. B. No. 26, "An Act concerning apprentices." Ordered printed.

By Mr. Ford—C. B. No. 27, "An Act in relation to the competency of witnesses."

Mr. Brown gave notice of the introduction of a bill for an act entitled "An Act to prohibit minors, or persons under twenty-one years of age, from gambling or betting at or upon any game of chance within the territory of Montana."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred House Bill No. 12, entitled “An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge,” beg leave to report that they have examined said bill, and report the same back to the House correctly engrossed.

Report received.

Mr. J. G. Sanders was granted leave of absence for Wednesday, 24th instant.

On motion of Mr. Chadwick, H. B. No. 1, “An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory,” was taken up and made the special order for 3 o’clock P. M. on Wednesday, the 24th instant, to be considered in Committee of the Whole.

On motion of Mr. Word, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 24th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

J. G. Sanders absent on leave.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 7, being "An Act to repeal an act relative to the powers of administrators and executors," approved May 6th, 1873, beg leave to report that it has had the same under consideration, and recommend that it do pass.

Mr. Ives, chairman of the Committee on Education and Labor, reported as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred Council Bill No. 6, "An Act in relation to printing," beg leave to report the same back to the House, with the recommendation that it do pass, with the following amendment:

Strike out the words "five hundred" in lines 4 and 5, in section 1 of said act, and insert the words "two hundred" in lieu thereof.

On motion of Mr. Witter, the report and amendments were adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred certain papers and vouchers relating to the proceedings, expenditures, etc., by the centennial board of Montana at the centennial international exhibition of 1876, beg leave to report that they have had the same under consideration, and that the receipts do correspond with the itemized account of expenditures; and as to the disposition of the collection of specimens of gold, silver, copper, etc., we would recommend the passage of House Bill No. 23, "An Act with reference to the exhibit of Montana at the national exhibition."

On motion of Mr. Sanders, the report was adopted.

Mr. Mood, from the Committee on Agriculture and Manufactures, reported as follows:

MR. SPEAKER:—Your Committee on Agriculture and Manufactures, to whom was referred H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," beg leave to report as follows: That they have had the same under consideration, with amendment; that section 5 be stricken out as amended, and that section 1 be so amended by striking out the word "ten," where it occurs, and in lieu thereof insert the word "five," and that said bill, so amended, do pass.

Report received.

Mr. Galen, chairman of the Committee on Roads and Highways, reported as follows:

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred C. B. No. 9, have instructed me to report back to the House with the recommendation that it do pass.

Report received.

Mr. Dixon, chairman of the Committee on Printing, reported H. B. No. 14 correctly printed.

Mr. Witter, from the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. B. No. 2 and amendments, report the same correctly engrossed.

Report received.

Mr. W. F. Sanders, from the Committee on Rules, reported as follows:

MR. SPEAKER:—The Committee on Rules begs leave to report that the rules of the two Houses, joint and several, have been printed, and the quota for the House has been delivered.

Report received.

Notices were given as follows:

By Mr. Chadwick — A joint memorial to Congress of the United States, for a grant of land for the maintenance of an insane hospital in the territory of Montana.

Also, a bill to pay for certain territorial printing performed by Kerley, McQuaid, & Lacroix, January 24th, 1877.

By Mr. Kessler — A bill relative to paying certain expenses of W. F. Wheeler, United States marshal, incurred in canvassing vote for delegate in Congress.

On motion of Mr. Steele, the following resolution was adopted:

*Resolved*, That a committee of three members of the House be appointed to ascertain the distance necessarily traveled by each member of this House in coming to and returning from this session of the Legislative Assembly, and that such committee report to the House thereon.

And Messrs. Steele, Witter, and Hyde were appointed such committee.

On motion of Mr. McCormick, the House resolved itself into Committee of the Whole, to further consider H. B. No. 4, "An Act to amend an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana territory," approved February 11th, 1876—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

Mr. Chadwick introduced House Joint Memorial No. 2, for the establishment of a branch mint at Helena, Montana territory.

C. B. No. 12, "An Act for the benefit of schools," read first and second times, and, on motion of Mr. Sanders (of Lewis and Clarke), was amended as follows: Strike out "codified statutes of Montana territory," and insert "act revising, re-enacting, and codifying the general and permanent laws of Montana territory, approved January 12th, 1872," in lieu thereof.

On motion of Mr. Chadwick, the bill, as amended, was referred to the Committee on Education and Labor.

C. B. No. 16, "An Act to authorize the trustees of school district No. 7, in Gallatin county, Montana territory, to issue and sell coupon bonds of said district for school purposes," read first and second times, and referred to a select committee, consisting of the members of Gallatin county and the joint member from Jefferson and Gallatin.

C. B. No. 20, a bill to amend section 10 of "An Act concerning notaries public," approved February 8th, 1876, read first and second times, and, on motion of W. F. Sanders, the following amendment was adopted: Strike out of section 1, the words "the above entitled act," and insert in lieu thereof the words "An Act concerning notaries public, approved February 8th, 1876."

The bill, as amended, was then referred to the Committee on Judiciary.

C. C. R. No. 5, to postpone the consideration of railroad matters to the 29th inst., was, on motion of W. F. Sanders, made the special order for January 30th, at 4 o'clock P. M.

C. J. M. No. 1, to establish a mail route from Helena to Deadwood City, Dakota territory, was read first and second times, and referred to the Committee on Federal Relations.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 24th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have been introduced, to-wit:

By Brown—C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein."

By Cullen—C. B. No. 29, "An Act in relation to married women." Ordered printed.



By McAdow—C. B. No. 30, "An Act to provide against accidents in case of fire."

By Hays—C. B. No. 31, "An Act to amend section 261 of chapter 1 of the civil practice act of the territory of Montana."

By Waterbury—C. J. M. No. 2, asking for extension of territorial boundary.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Chadwick, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

J. G. Sanders absent on leave.

H. J. M. No. 2, to establish a branch mint at Helena, Montana, read first and second times, and, on motion of Mr. Sanders (of Lewis and Clarke), the memorial was amended by inserting the words "and gold" in the 54th line, after the word "silver."

On motion of Mr. Word, the memorial was referred to the Committee on Mines and Minerals, with instructions to embody in the memorial an approximate estimate of the gold and silver yield of Montana territory for the past two years.

H. B. No. 2, "An Act to pay for the support and maintenance of the insane," was read the third time and passed by the following vote :

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Word, Mr. Speaker—  
25.

*Nays*—None.

Absent on leave—Mr. J. G. Sanders.

Title agreed to.

H. B. No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge," was read the third time and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Word, Mr. Speaker—25.

*Nays*—None.

Absent on leave—J. G. Sanders.

Title agreed to.

C. B. No. 4, a bill to provide for the appointment of commissioners of deeds, was read the third time and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Mr. Speaker—24.

*Nays*—None.

Absent—Mr. Word.

Absent with leave—Mr. J. G. Sanders.

The title was agreed to.

C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872, was, on motion of Mr. Sanders (of Lewis and Clarke), recommitted to the Committee on Judiciary, with instructions to amend by striking out "being" in 9th line.

On motion of Mr. Sanders (of Lewis and Clarke), a call of the House was ordered.

Roll called—members all present.

On motion of W. F. Sanders, a further call of the House was dispensed with.

C. B. No. 7, "An Act supplemental to an act to provide for the support, care, and maintenance of the county sick and poor," was read the third time and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steele, Thompson, Witter, Word—21.

*Nays*—Brainard, McCormick, Vivion, Mr. Speaker—4.

Absent with leave—J. G. Sanders.

Title agreed to.

On motion of Mr. Chadwick, the House resolved itself into a Committee of the Whole to consider H. B. No. 4—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

The following message was received from the Council :

COUNCIL CHAMBER, }  
January 24th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. J. M. No. 2 has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of W. F. Sanders, the vote by which C. C. R. No. 5, to postpone the consideration of railroad matters to the 29th inst.,

was made the special order for January 30th, at 4 o'clock P. M. of said day, was reconsidered, and the resolution was laid on the table.

House Bill No. 7, "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6th, 1873. On motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote :

*Ayes*—Batchelder, Chadwick, Dixon, Galen, Hickman, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Word, Mr. Speaker—21.

*Nays*—None.

Absent without leave—Messrs. Brainard, Davis, Howell, and McCormick.

Absent on leave—J. G. Sanders.

The title was agreed to.

On motion of Mr. Chadwick, the House resolved itself into a Committee of the Whole to consider H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory"—Mr. McCormick in the chair.

The House resumed—Mr. Speaker in the chair.

On motion of Mr. W. F. Sanders, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

## EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES, {  
January 25th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows :

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 5, beg leave to report the same back to the House with the recommendation that the word “being” be stricken out in third line of section 1, and, so amended, that it do pass.

On motion of Mr. Word, the report was adopted.

Mr. Chadwick also reported as follows :

MR. SPEAKER:—Your Committee on Judiciary, which has had under consideration C. B. No. 20, being “An Act concerning notaries public,” beg leave to report the same back to the House, and recommend that the same do pass as amended in the House.

On motion of Mr. Word, the report was adopted.

Mr. Word, chairman of the Committee of the Whole House, reported as follows :

MR. SPEAKER:—Your Committee of the Whole House, to whom was referred House Bill No. 4, being “An Act to amend an act entitled ‘An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana ter-

ritory," beg leave to report the same back to the House with the following amendments, which the committee recommend be adopted. Your committee would state that in the amendments offered, references to numbers of lines and sections are to such as appear in the printed bill:

Amend first line of first clause of preamble by striking out the words "last mentioned act," and insert "An Act entitled 'An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana territory,'" approved February 11th, 1876.

Amend line 3 of section 2 of bill by striking out the words "fifty qualified voters of any such county," and insert in lieu thereof the words, "a number of qualified voters of any such county equal to one-seventh of the votes cast at the last general election held in said county, within the limits of said county, which petitioners shall be *bona fide* residents and tax-payers of said county."

Amend line 4 of section 2 by adding after the words "such county," the following: "for an amount designated in such petition."

Amend line 5 in section 3 by inserting the word "printed" before the word "notice," and after the words "county a."

Amend line 25, section 3, by inserting after the word "words," the words "Benton and Helena." Same amendment in line 26.

Add to section 3 the following: "But no obligation incurred by any county heretofore having voted to aid the said road, or which may hereafter vote to aid said road, shall be binding unless the said S. B. Coulson & Co., or their assigns, shall commence the said road and its construction as soon as 1878, and shall complete the same within two years thereafter."

Amend section 4 by adding, after the word "time" in line 4, as follows: "*Provided*, That the county commissioners of any county in which bonds have been voted to aid said railroad may, upon petition as provided in section 2, be required to submit the proposition of issuing additional bonds in further aid of such railroad to the legal voters of said county, which second submission shall be



made in the same time and manner, and subject to the same conditions, as provided for the first submission to the legal voters of said county."

Amend line 1, section 5, by striking out the word "such."

Amend line 4, section 5, by inserting "Benton and Helena" before the word "railroad," where it occurs in said line.

Amend line 5, section 5, by striking out the word "an," and insert: "such persons as were at the time of the submission of such proposition, as provided for in section 3 of this act."

Amend line 5, section 5, by striking out the word "resident," and insert "residents and electors."

Amend line 3, section 9, by adding, after the words "fifty cents per ton," the words, "and at the same ratio for all quantities less than one ton, and exceeding one hundred pounds."

Amend line 12, section 9, by striking out the words "one of the officers of said company," and insert in lieu thereof the words, "the president or managing agent of said company."

Amend line 14, section 9, by adding after the word "act," the following: "Together with the names of the persons from whom such tax was collected, and the amount so collected from each, which report shall be filed in the office of the said Territorial Treasurer, and preserved for public inspection. And if said statement, so sworn to, shall be false in any material respect, the person making the same shall be guilty of wilful and corrupt perjury, and shall be punished accordingly."

Amend by adding after section 9 a new section, as follows: "Sec. 10. The rates of freight for all goods, wares, and merchandize, ores, or bullion, transported over the railroad from Helena to Benton, or from Benton to Helena, shall not exceed \$8 per ton, except for hides and wool, the freights on which shall not exceed \$20 per ton."

Amend by changing Sec. 10 to "Sec. 11," Sec. 11 to "Sec. 12," Sec. 12 to "Sec. 13," Sec. 13 to "Sec. 14," Sec. 14 to "Sec. 15," Sec. 15 to Sec. "16," Sec. 16 to "Sec. 17," and Sec. 17 to "Sec. 18."

Amend section 11 (as re-numbered) by adding thereto as follows: "*Provided*, however, that whenever the amount of taxes collected on freights and distributed under the provisions of section 9 of this

act, and the amount of taxes collected and distributed under the provisions of this section, to the several counties voting such aid, shall in the aggregate equal the amount of the bonds and interest thereon, issued to such company, association, or corporation, the collection of the tax on freights shall cease to be levied and collected by said company, association, or corporation, and the payment of taxes levied and collected by any county or counties upon said railroad, shall not any longer be required to be paid to Territorial Treasurer or distributed."

Amend line 2, section 12, by striking out "10" and inserting "11."

Add to section 13 as follows: "If said sums of money so received shall not be sufficient to pay the interest on the bonds issued by any county, it shall be the duty of the board of county commissioners to provide for such interest by a levy of a tax therefor, which shall be levied in said county as other taxes."

Amend line 1, section 15, by striking out "10," and insert "11."

Amend line 4, section 15, by striking out the words "the sum of five thousand," and insert "an amount equal to five per cent of the aid which his county has granted to such railroad."

Amend section 15 by adding thereto the following: "That the treasurers of the several counties voting such aid shall be entitled to receive on all sums of money coming into his hands, under the provisions of this act, five per cent on all amounts not exceeding three thousand dollars, and on all amounts over three thousand dollars two and one-half per cent."

Strike out section 17, and in lieu insert: "Section 17. The acceptance by the said S. B. Coulson & Co., or their assigns, or of the company by them or some of them organized, of any aid authorized to be given under this act, shall be deemed their acceptance of the same upon the terms herein specified, and a ratification of the conditions in this act contained."

Amend by substituting section 17 for section 18, and by striking out section 18 and inserting in lieu thereof the following: "Section 18. The said road shall start from and at the said town of Fort Benton, on the Missouri river, and run from that place to the said

town of Helena, within a distance of one mile of the town of Sun River, by the most direct and practicable route."

Insert as section 19: "Section 19. If the said S. B. Coulson & Co. shall not proceed to construct said road upon the amount in their proposition being voted, or if the entire sum so voted shall not be secured from the various counties, and the said S. B. Coulson & Co. will not, before February 1st, 1878, accept the sum voted, and thereafter, without unnecessary delay, proceed to construct said road, and any other responsible company will accept the amount voted, and according to the conditions and terms of this act and the act to which this is amendatory, proceed to construct the same as is by law prescribed, then the boards of the county commissioners of the several counties having contributed or voted to contribute to the construction of said road, may meet at Helena and determine whether they will substitute any other company than the said S. B. Coulson & Co., and if so what other company shall be substituted; and at such meeting each county shall have three votes, to be cast by its commissioners or commissioner present, and such counties upon said proposition shall each vote by themselves, and if at such meeting any county shall refuse to consent to such substitution, the proposition shall be re-submitted to the electors thereof as to such substitution in a manner to be by such commissioners prescribed, and if ratified the said subsidy shall be deemed and considered as binding upon such county."

All of which is respectfully submitted.

WORD, *Chairman*.

On motion of Mr. Chadwick, the report was adopted.

On motion of Mr. Word, the amendments, as offered by the Committee of the Whole, were adopted, and the bill ordered engrossed for a third reading.

Notices of the introduction of bills were given as follows:

By Mr. Vivion—A bill for "An Act to encourage the construction of a railroad from Deadwood City, in Dakota territory, to the city of Bozeman, in the territory of Montana."

By Mr. Thompson—A bill to amend section 218 of "An Act relating to administrators and executors."

By J. G. Sanders—"An Act to authorize the several counties of this territory to change their county-seat on certain conditions."

By Hickman—A bill for "An Act to prevent stallions over the age of one year from running at large."

Mr. Chadwick introduced H. B. No. 29, "An Act to regulate and establish the fees of county treasurers."

Also, H. B. No. 30, "An Act to compensate J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for services rendered the territory for printing."

By Mr. Robinson—H. B. No. 31, "An Act to aid in the construction of a railroad to Montana."

By Mr. Porter—H. B. No. 32, "An Act to amend an act to regulate proceedings in civil cases in the courts of justice in the territory of Montana in relation to attachments, and to repeal section 146 of said act."

Mr. Chadwick introduced H. J. M. No. 3, praying for a grant of land for a territorial insane hospital.

C. J. M. No. 2, to extend the boundaries of Montana territory, was read first and second times, and, on motion of W. F. Sanders, was amended as follows, to-wit: Strike out the words "whose inhabitants," and insert in lieu thereof the words, "the inhabitants of which."

On motion of Mr. Chadwick, the memorial, as amended, was referred to the Committee on Federal Relations.

H. B. No. 29, "An Act to regulate and establish the fees of county treasurers," was read first time.

Mr. W. F. Sanders moved to reject the bill; upon which motion the ayes and nays were called.

Those voting aye were: Batchelder, Hickman, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), and Witter—6.

*Nays*—Brainard, Chadwick, Davis, Dixon, Galen, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Robinson, Robbins, Steele, Thompson, Vivion, Word, Mr. Speaker—20.

The bill was then read the second time, and, on motion of W. F. Sanders, the bill was referred to the Committee on Ways and Means.

H. B. No. 30, "An Act to compensate J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for services rendered the territory for printing," read first and second times, and referred to the Committee on Ways and Means.

H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," read first time.

Mr. McCormick moved to reject the bill; upon which motion the ayes and nays were called.

*Ayes*—Brainard, Galen, McCormick, McElroy, Rotwitt, Sanders (of Jefferson), and W. F. Sanders—7.

*Nays*—Batchelder, Chadwick, Dixon, Hickman, Howell, Hyde, Ives, Kessler, Mood, Porter, Robinson, Robbins, Steele, Thompson, Vivion, Witter, Word, Mr. Speaker—18.

Absent—Mr. Davis—1.

And the motion was lost.

The bill was then read the second time.

Mr. Word moved to refer the bill to the Committee of the Whole, and made the special order for 2:30 o'clock this P. M.

Mr. Chadwick moved to amend by referring to the Committee on Printing. Motion lost.

Mr. Word's motion was then adopted, and the bill was made the special order for 2:30 o'clock this P. M., to be considered in Committee of the Whole.

H. B. No. 32, "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of the territory of Montana in relation to attachments, and to repeal section 146 of said act," read first and second times, and referred to the Committee on Judiciary.

H. J. M. No. 3, praying for a grant of land in aid of a territorial insane hospital, read first and second times, and referred to the Committee on Federal Relations.

On motion of Mr. Hyde, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

H. B. No. 11, "An Act to amend the criminal practice act," was taken up, and, on motion of Mr. Chadwick, was recommitted to the Committee on Judiciary.

H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana," was taken up. On motion of W. F. Sanders, the amendments, as reported by the committee, were adopted, and the bill ordered engrossed, as amended, for a third reading.

H. B. No. 14, a bill for "An Act re-apportioning the members of the Legislative Assembly." On motion of Mr. Vivion, the bill was referred to the Committee on Towns and Counties.

H. B. No. 17, "An Act to provide for the taxation of a jury fee in civil cases in the courts of the territory," was taken up, and, on motion of W. F. Sanders, the amendments as reported by the committee, were adopted, and the bill ordered engrossed, as amended, for a third reading.

H. B. No. 21, a bill for "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1872. On motion of Mr. Hickman, the amendments of the committee were adopted.

On motion of Mr. Sanders (of Lewis and Clarke), the following amendments were adopted:



Strike out section 1 where it occurs before the enacting clause, and insert it after enacting clause; amend enacting clause by striking out the words "Montana territory" where they occur, and inserting in lieu thereof "the territory of Montana;" add at the close of section 1 of bill, the words: "without further compensation than is now provided by law for such treasurer."

And the bill, as amended, was ordered engrossed for a third reading.

H. B. No. 22, "An Act to encourage the manufacture of woolen woolen fabrics in the territory of Montana," was taken up, and, on motion of Mr. Chadwick, the amendments, as reported by the committee, were adopted, and the bill ordered engrossed, as amended, for a third reading.

Mr. McCormick moved that the vote by which H. B. No. 31, "An Act to aid in the construction of a railroad to Montana, was made the special order for 2:30 o'clock this P. M., be reconsidered; which motion was lost.

On motion of W. F. Sanders, the House resolved itself into Committee of the Whole, to consider H. B. No. 31, "An Act to aid in the construction of a railroad to Montana—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 25th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have been introduced:

By McAdow—C. B. No. 32, "An Act for the government of unorganized counties."

By Cullen—C. B. No. 33, "An Act concerning divorce."

That the Council have concurred in House amendments to C. B. No. 4, a bill to provide for the appointment of commissioners of deeds, and it was ordered enrolled.

That C. B. No. 14, "An Act to give the poor man the same rights as the rich man in all courts of justice," has passed the Council, title amended.

That C. B. No. 22, "An Act to amend section 190 of chapter 3 of an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana territory,'" approved January 12th, 1872, has passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Chadwick, it was ordered that the further consideration of H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," be resumed in Committee of the Whole at 2:10 o'clock to-morrow.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 25th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that a select committee, composed of the members from Deer Lodge county, have introduced C. B. No. 34, "An Act to increase the compensation of grand and trial jurors in the district court in the county of Deer Lodge, in the territory of Montana."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Davis, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

Attest: A. H. BARRET, *Chief Clerk.*

## NINETEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 26th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called — members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows :

MR. SPEAKER:—Your Joint Committee on Enrollment ask leave to report the following bills correctly enrolled : Council Joint Resolution No. 1, to provide for payment of freight on arms ; Council Bill No. 4, to provide for the appointment of commissioners of deeds ; also, Council Bill No. 7, an act supplemental to an act to provide for the support, care, and maintenance of the county sick and poor.

Report received.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows :

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 18, being an act relative to the duties of county commissioners, beg leave to report, that it has had the same under consideration and would recommend the accompanying substitute for the said bill, and that such substitute be adopted.

Report adopted.

Also, as follows :

MR. SPEAKER:—Your Committee on Judiciary, which has had under consideration H. B. No. 11, beg leave to report the accompanying substitute for said bill, and recommend that the said substitute be adopted.

Notices were given :

By W. F. Sanders — A bill for "An Act to protect creditors."

By Mr. Witter—A bill amending section 25 of the election laws, approved February 11th, 1876.

Also, a bill amending section 147 of the criminal laws, approved January 12th, 1872 (codified statutes, page 303).

Also, a joint memorial asking Congress to assist this territory in the maintenance of our free schools.

By Mr. Thompson—A bill for "An Act defining the boundaries of Chouteau county."

Mr. Robinson moved that the following concurrent resolution be adopted:

*Resolved*, By the House and Council concurring, that the President of the Council and Speaker of the House be requested to telegraph to Oliver Ames and others, proposing to build the Utah and Northern Extension Railroad to Montana, requesting them to communicate directly with said President and Speaker on all propositions or business in connection with said railroad.

Upon which motion the ayes and nays were called.

*Ayes*—Robinson and Word—2.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Mr. Speaker—22.

Absent—Messrs. Howell and Hickman.

And the resolution was lost.

Mr. Speaker announced that he had signed C. J. R. No. 1, to pay freight on arms; C. B. No. 4, a bill to provide for the appointment

of commissioners of deeds; also, C. B. No. 7, "An Act supplemental to an act for the support, care, and maintenance of the county sick and poor."

Bills were introduced:

By W. F. Sanders—H. B. No. 33, "An Act to provide for publishing the reports of the supreme court of the territory."

Also, H. B. No. 34, a bill for "An Act to amend the Helena incorporation act."

By Mr. Kessler—H. B. No. 35, "An Act for the relief of W. F. Wheeler."

By Mr. Thompson—H. B. No. 36, "An Act to amend section 218 of an act relating to executors and administrators."

C. B. No. 14, "An Act to repeal sections 562 and 563 of the civil practice act, and the amendment to section 563," approved April 29th, 1874, was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 22, "An Act to amend section 190 of chapter 3 of an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana territory,'" approved January 12th, 1872, was read first and second times, and referred to the Committee on Judiciary.

Mr. Word, chairman of the Committee of the Whole, reported as follows, to-wit:

MR. SPEAKER:—Your Committee of the Whole, to whom was referred House Bill No. 31, "An Act to aid in the construction of a railroad to Montana," report that they have considered said bill, and recommend the following amendments thereto, to-wit:

(Sec. 1.) By inserting after the word "Montana" in line 4, the words "in the form and manner and upon the conditions and contingencies hereinafter in this act provided."

(Sec. 2.) By inserting after the word "act," in line 5, section 2, the words "and the approval thereof, as hereinafter provided, by the

electors." Also, by striking out the word "passage" and by inserting in lieu thereof the word "approval," in line 5, section 2. Also, by striking out the last 14 lines of section 2, and by inserting in lieu thereof the words "to Helena, Lewis and Clarke county, Montana."

(Sec. 5.) By striking out after the word "million," in line 2, second page of section 5, the words "five hundred thousand." Also, by inserting after the words "said parties," in line 8 of second page, section 5, by inserting the words "or the party or parties designated by them." Also, by striking out the words "December and June," in line 18 of section 5 (second page of said section), and by inserting in lieu thereof the words "January and July." Also, by adding to section 5 the words "but all bonds to become due to the said parties, or any of them, or their assigns, or the assignees of any of them, shall be deliverable only upon the first days of January and July next transpiring after said parties shall have entitled themselves thereto."

(Sec. 8). Also, by adding thereto the following, to-wit: "And the time limited for the completion of said road, and the several sections thereof, as in this act provided, is hereby declared to be a material part of this proposition, and it shall be so held and interpreted by all officers and courts having cognizance of any question arising thereunder."

Also, by adding to said bill sections 14, 15, 16, 17, 18, and 19, which are as follows, to-wit:

Section 14. The county commissioners of the several counties, as hereinafter provided, shall, and it is hereby made the duty of said county commissioners, on the twentieth day of March, A. D. 1877, to cause to be submitted to the qualified electors of their respective counties the propositions herein contained, for their approval or rejection; and if a majority of the electors of the territory, voting within such county at such election, shall, by their votes, approve of this act, such fact shall be entered at large upon the journals of their respective counties.

Section 15. The county commissioners of the several counties shall give notice of the election herein provided for, by publication



in one or more newspapers published within such county, at least ten days before the election, if a newspaper be published in such county.

Section 16. At the election herein provided for the ballots or votes shall contain the words "*North and South Railroad Aid—Yes,*" or "*North and South Railroad Aid—No,*" and the votes reading "North and South Railroad Aid, Yes," shall be held, deemed, and taken to be and mean an approval of this act; and the votes reading "North and South Railroad Aid, No," shall be held, deemed, and taken to be and mean a disapproval of this act; and the same rules, regulations, liabilities, and penalties prescribed for the conduct of other elections, and the liability of officers thereof, and electors within this territory, shall be observed and enforced at the election herein provided for; and the judges of such election shall truly certify and forward the result of such election, together with the poll-books and ballots so cast, to the board of county commissioners to the county-seat of said county, within five days after the same shall have been counted and certified; and the said county commissioners shall, within ten days thereafter, forward a correct abstract of the votes cast on said proposition, at such election, to the Auditor of the territory; and upon the failure upon the part of any officer or officers herein named to perform the duties prescribed by this act, he or they shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall forfeit and pay a fine not exceeding ten thousand dollars, and be imprisoned in the county jail not less than six nor more than ten months.

Section 17. The votes that are cast upon the proposition herein contained, after an abstract of the same shall have been made by the county commissioners of the several counties, and such abstracts shall have been forwarded to the Auditor as aforesaid, shall be canvassed in the same manner that the vote for delegate to Congress is canvassed under the existing laws.

Section 18. If a majority of the votes cast upon the question hereby submitted shall be in approval of this act, it shall be the duty of the Auditor of the territory to announce this fact through one or more newspapers published in the territory, and when so approved, said commissioners shall be authorized to make such con-

tract, and to do all things by the provisions of this act required of them.

Section 19. *Provided*, That if at any time before said proposition shall be so submitted, said contractors shall notify said Governor of their failure to enter into said contract, then no election shall be held under the provisions of this act.

That your committee further report that they adopted the following resolution:

*Resolved*, That it is the sense of this committee that this enactment should be submitted to the qualified voters for their approval.

All of which is respectfully submitted.

On motion of Mr. Robinson, the report was adopted.

Mr. W. F. Sanders moved that the amendments reported by the committee be adopted.

Mr. McCormick called for a division of the question, and the amendments were adopted, except the following, which was, on motion of Mr. McCormick, rejected: Strike out the last fourteen lines of section 2, and insert the following: "To Helena, Lewis and Clarke county, Montana."

Mr. Word moved to amend the bill as follows: Amend by striking out of section 5 the words "one million," and insert in lieu thereof "five hundred thousand." Which motion was lost.

Mr. W. F. Sanders moved the adoption of the following amendment: Insert after the words "one million," where they occur, the words "four hundred and ninety-nine thousand nine hundred and ninety-nine," in section 2.

Mr. Robinson moved to amend the amendment as follows: Amend the amendment by striking out "nine hundred and ninety-nine dollars," and insert in lieu thereof "one dollar." Which amendment was lost.

Upon the adoption of Mr. Sanders's amendment the ayes and nays were called.

Those voting aye were: McCormick, J. G. Sanders, W. F. Sanders, Witter, and Mr. Speaker—5.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Steele, Thompson, Vivion, Word—21.

And the amendment was lost.

On motion of J. G. Sanders, the following amendment was adopted: Amend section 2 by striking out last 14 lines, and inserting in lieu thereof the words "to the town of Boulder, in Jefferson county, Montana."

On motion of W. F. Sanders, the bill, with the amendments, was then ordered engrossed for printing.

H. B. No. 33, "An Act to provide for the publishing the reports of the supreme court of the territory," read first and second times, and referred to the Committee on Judiciary.

H. B. No. 34, a bill for "An Act to amend the Helena incorporation act," read first and second times, and referred to a select committee, consisting of W. F. Sanders, Kessler, Chadwick, and Davis.

H. B. No. 35, "An Act for the relief of W. F. Wheeler," read first and second times, and, on motion of W. F. Sanders, was amended as follows: Insert the words "sixteen dollars and fifty cents" in lieu of "thirty-five dollars and fifty cents," and strike out last words where they occur.

On motion of Mr. Davis, the bill, with the amendment, was referred to the Committee on Ways and Means.

H. B. No. 36, "An Act to amend section 218 of an act relating to executors and administrators," read first and second times, and referred to the Committee on Judiciary.

On motion of Mr. Davis, the House took a recess until 2 o'clock P. M.

2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—members all present.

The following message was received from the Council :

COUNCIL CHAMBER, }  
January 26th, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that the following bills were introduced :

By Cullen—C. B. No. 35, "An Act to amend chapter 40 of codified statutes."

By Mr. Lewis—C. J. M. No. 3, asking for the privilege of electing territorial officers, etc. Ordered printed.

By Allebaugh—C. J. M. No. 4, in relation to certain territorial officers.

That the following bills have passed the Council, to-wit :

H. B. No. 2, "An Act to pay for the support and maintenance of the insane."

C. B. No. 23, "An Act to amend section 4 of an act entitled 'An Act to protect fur-bearing animals and fish in the territory of Montana,'" approved February 5th, 1876. Title amended by inserting "game" before "fur."

C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein."

C. B. No. 30, "An Act to provide against accidents in case of fire.

C. B. No. 34, "An Act to increase the compensation of grand and trial jurors in the district court in the county of Deer Lodge, in the territory of Montana."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Vivion, chairman of select committee, reported as follows :

MR. SPEAKER:—Your select committee, composed of the members from Gallatin and the joint member from Gallatin and Jefferson counties, to whom was referred C. B. No. 16, "An Act to authorize the trustees of school district No. 7, in Gallatin county, Montana territory, to issue and sell coupon bonds of said district for school purposes," have had the same under consideration, and respectfully report the same back to the House with the following amendments, to-wit: Insert after the word "buildings," in line 11, section 1, the words "for school purposes;" also insert after the word "when," in line 9, section 3, the words "and place where;" also strike out the words "per cent," after the word "any," in line 22, section 3, and insert the word "compensation" in lieu thereof.

With these amendments, your committee recommend that the bill do pass.

VIVION,

*Chairman of Select Committee.*

On motion of Mr. Vivion, the report was adopted.

H. B. No. 15, a bill for "An Act regulating the duties of county commissioners," was read for information.

On motion of W. F. Sanders, the rules were suspended, the bill was considered engrossed, read the third time, and lost by the following vote:

*Ayes*—Brainard, Hyde, Kessler, Porter, Robinson, Sanders (of Lewis and Clarke), and Mr. Speaker—7.

*Nays*—Batchelder, Chadwick, Dixon, Galen, Hickman, Howell, Ives, McCormick, McElroy, Mood, Robbins, Sanders (of Jefferson), Steele, Thompson, Vivion, Witter, and Word—17.

*Absent*—Mr. Davis.

H. B. No. 2, "An Act to pay for the support, care, and maintenance of the insane," was ordered enrolled.

On motion of Mr. Chadwick, the House resolved itself into Committee of the Whole, to consider H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory"—Mr. McCormick in the chair.

The House resumed—Mr. Speaker in the chair.

On motion of Mr. Vivion, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## TWENTIETH DAY.

HOUSE OF REPRESENTATIVES, }  
January 27th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 16, being “An Act relative to the territorial library,” beg leave to report that they have had the same under consideration, and recommend that the same be amended as follows, to-wit:

Before the words “Chief Justice” insert the word “Governor,” also strike out the word “Secretary” in section 1.

Amend bill by striking out the 6th section, and insert in lieu thereof the following section:



Section 6. The clerk of the supreme court, in addition to the duties heretofore required of him by law, shall have charge of the books, papers, and other documents belonging to the territorial library, and keep his office as clerk of the supreme court at the rooms of such library ; and all expenses for fuel, lights, and stationery for said library and office shall be furnished at the expense of the territory ; and the said clerk shall receive for his services in taking charge of the library, and for the performance of the duties hereby imposed on him, the sum of four hundred dollars per annum, payable quarterly.

And your committee recommend that said bill be further amended by adding thereto the following sections, to-wit :

Section 13. The catalogue provided for in section 9 of this act shall be made as soon as the said library rooms shall be prepared and the library removed thereto, and thereafter whenever any books shall arrive at the library the librarian shall enter the same upon said catalogue and in a book to be by him kept for that purpose. Said catalogue shall be divided into sections, as follows : 'Section A shall contain a catalogue of the law books and reports of the supreme courts of the United States, and of the supreme courts and subordinate courts of the states and territories, of the United States and of other countries, including the reports of the court of claims at Washington, and the opinions of the Attorneys General of the United States ; which catalogue shall contain cross references and shall be alphabetically arranged. Section B shall contain a catalogue of the statutes of the various states and territories in the library and of the United States, and it shall show the date of the sessions at which the various statutes were passed, and shall be alphabetically arranged. Section C shall contain the journals in said library of the various legislative bodies of the different states and territories of the United States and other countries, showing the dates of the different sessions, and of which House they are the journals, and shall be likewise arranged alphabetically. Section D shall contain a list of the journals of the Legislative Assembly, reports and statutes of the territory of Montana, giving the dates and number of volumes of each. Section E shall contain a catalogue

of all other books in the library belonging to the territory, of every kind and description, including maps. Section F shall contain a catalogue of the books of the historical society of Montana, if the same shall be placed in the said library, which shall also be arranged alphabetically. The librarian shall keep an account of each book as it shall be received from time to time, and shall enter the same when received in his catalogue of the library in the proper section.

Section 14. Said catalogue, when made out, shall remain in the library, but the librarian shall make a copy thereof forthwith and furnish the same to the Governor, and on the first day of December, A. D. 1878, and biennially thereafter, the librarian shall also furnish the Governor with a like catalogue of such books as may be in the library; and on the first day of December, A. D. 1877, and biennially thereafter, he shall furnish the Governor with a catalogue of such books as have been received since he delivered the last catalogue, and the Governor shall transmit the catalogue last received by him to one of the Houses of the Legislative Assembly at each session thereof, and the same shall be entered at length on the journals of the House to which the same shall so be sent by the Governor.

Section 15. All books purchased for the library by the United States or the territory, and all printed books addressed officially to any territorial or federal officer mentioned in the organic act of the territory, from any officer of the United States government, or from the officers of any state or territory of the United States, or from the officers of any foreign country, except reports and statutes sent to the justices of the supreme court for use by them in their respective districts, and such books of instruction, use, and information as are sent to officers for their exclusive use and information from the departments of the general government having authority over them, or to which they are required to report, and pertaining to their respective offices, or which, by an express statute of the United States, they are required to turn over to their successors in office, and all books addressed to the territorial or state library, and the reports belonging to the territory of the decisions of its supreme court, and the statutes belonging to the territory passed by its Legislative Assembly at the various sessions, and the journals of the

various sessions of the two Houses of the Legislative Assembly, and all printed books officially addressed to the Auditor or Treasurer, and all of them so heretofore received or hereafter to be received, shall comprise the territorial library.

Section 16. It shall be the duty of all persons who have heretofore received books or maps, which by the terms of section 15 of this act belong to the library, forthwith to deliver the same to the board of commissioners aforesaid, or some one of said board; and hereafter all books which shall be addressed to and come into the possession of any officer which by the terms of said section belong to the library, shall be delivered to the librarian, and any book which belongs to the said library and which has not been delivered to said board or a member thereof, or which, having been taken from said library, is detained contrary to the provisions of this act or contrary to the regulations to be prescribed by said board, as authorized by section 2 of this act, may be recovered in the name of "the board of commissioners of the library," with damages for its detention, before any proper court, or the said board may sue for and recover thrice its value, without the benefit to the defendant of any exemption whatever.

Section 17. The Secretary of the territory shall distribute such volumes of the journals of the two Houses, and statutes of the territory, and reports of the decisions of the supreme court of the territory, to the library of Congress, and one copy to the library of each state and territory, and such other copies as he is by law required to distribute, and all other copies thereof shall be by him turned over to the library, to be preserved therein; and the further distribution of said books may be provided for by law.

Section 18. It shall be the further duty of the said board of commissioners to cause all newspapers of the territory, which may be addressed to said library, and all law periodicals, to be carefully preserved, and from time to time to be bound for preservation and reference in said library.

Section 19. A majority of the commissioners mentioned in section 1 of this act shall constitute a quorum for the transaction of business, and there shall be meetings of said board, provided for

in their regulations, to be held at the rooms of the library, at least three times in each year.

Section 20. So much of section 1 of chapter 56, as provides that the Territorial Auditor shall be librarian, *ex-officio*, is hereby repealed.

And that the bill, so amended, do pass.

On motion of W. F. Sanders, the following amendment was adopted: Amend section 15 by inserting the words "and all books presented to such library" after the word "territory," in line 2.

On motion of W. F. Sanders, the following amendment was adopted: Before the word "statutes," in lines 21 and 22, and before the word "reports," in line 20, of section 15, insert the word "printed."

Mr. Chadwick also reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 14, being "An Act relative to costs," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 11, being "An Act relative to the employment of stenographers in the district courts," beg leave to report that it has had the same under consideration, and recommend that it do pass.

Report adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 33, being "An Act relative to the publication of the reports of the supreme court of the territory," beg leave to report that it has had the same under consideration, and recommend that it do pass.

Report adopted.

Mr. McElroy reported as follows:

MR. SPEAKER:—We, your Committee on Mines and Minerals, to whom was referred that portion of the Governor's message relative thereto, have had the same under consideration, and report the same back, with the following:

From official reports we find that the produce of the mines of the territory are increasing—the yield from the mines of the territory, in gold and silver, for the last two years, being fourteen and one-half million dollars, nearly. These reports, together with personal observation and experience, amply prove that the mines and minerals of the territory are both profuse in quantity and rich in quality. And in order that the productions of the same may be still more and more increased, we hope your honorable body shall in wisdom legislate and enact such laws as shall tend to encourage the development and acquisition of the same.

Respectfully submitted.

Also, as follows:

MR. SPEAKER:—Your Committee on Mines and Minerals, to whom was referred House Joint Memorial No. 2, beg leave to report that they have had the same under consideration, and recommend that the same be adopted, with the following amendment, viz: Add after the word "conveniences," in line 35, the following sentence: "That the gold and silver yield of the territory of Montana, for the past two years, amounts to the sum of \$14,421,979.86."

Report adopted.

Mr. Dixon, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER:—Your Committee on Printing, to whom was referred House Bill No. 20, beg leave to report the same correctly printed, with the exception of the following, to-wit: In section 1, line 4, after the word "is," insert "hereby."

The following message was received from the Council:



COUNCIL CHAMBER, }  
January 27th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 15, "An Act concerning elections," has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Sanders (of Jefferson), chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred House Bill No. 21, entitled "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1872 (codified statutes, page 563), beg leave to report that they have examined said bill, and report the same correctly engrossed.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. B. No. 4, entitled "An Act to amend an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana territory," approved February 11th, 1876; also, H. B. No. 13, entitled "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana;" also, H. B. No. 17, entitled "An Act to provide for the taxation of a jury fee in civil cases in courts of this territory;" also, H. B. No. 22, entitled "An Act to encourage the manufacture of woolen fabrics in the territory of Montana;" also, H. B. No. 31, entitled "An Act to aid in the construction of a railroad to Montana"—beg leave to report that they have examined said bills, and report the same correctly engrossed.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 27th, 1877. }

MR. SPEAKER:—C. B. No. 27, "An Act in relation to the competency of witnesses," which passed the Council January 25th, and



has been retained under the rules pending a notice of motion to reconsider, is herewith transmitted, no motion to reconsider having been made under the rules.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Word, chairman of the Committee on Ways and Means, reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred House Bill No. 30, being “An Act to provide compensation of J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for printing,” beg leave to report that the committee have had the same, with accompanying documents, under consideration, and report the same back to the House with the recommendation that the bill do pass.

WORD, *Chairman.*

Report received and adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred House Bill No. 35, being “An Act for the relief of W. F. Wheeler,” beg leave to report that the same has been fully considered by committee; the committee recommend that the bill be amended by striking out the words “thirty-five dollars and fifty cents,” in third line of section 1, and insert in lieu thereof the words “sixteen dollars and fifty cents;” and, with such amendment, recommend that the bill do pass.

Respectfully submitted.

On motion of Mr. Chadwick, the report was adopted.

Mr. Word also reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred House Bill No. 29, being “An Act to regulate and establish the fees of county treasurers,” beg leave to report the same back to the House, and recommend that the bill do not pass.

Report received.

Mr. Hyde, chairman of Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Committee on Enrollment, beg leave to report that Council Joint Resolution No. 1, to provide for the payment of freight on arms; also, Council Bill No. 4, to provide for the appointment of commissioners of deeds; also, Council Bill No. 7, "An Act supplemental to an act to provide for the support, care, and maintenance of the county sick and poor"—were given to the Governor at 11:20 o'clock A. M., on the 26th inst.

Notices were given as follows:

By Mr. Kessler—A bill to amend "An Act to provide for the redemption of the funded debt of Lewis and Clarke county," approved February 5th, 1876.

By Mr. Robinson—"An Act to amend an act concerning license."

Bills were introduced:

By Mr. W. F. Sanders—H. B. No. 37, "An Act to protect creditors."

By Mr. Hickman—H. B. No. 38, "An Act concerning stallions."

By Mr. Witter—H. B. No. 39, "An Act to amend section 147 of the criminal laws," approved January 12th, 1872 (codified statutes).

By Mr. Thompson—H. B. No. 40, "An Act defining the boundaries of Chouteau county."

By Mr. Witter—H. J. M. No. 4, a joint memorial asking Congress to aid in the maintenance of the free schools of the territory.

C. B. No. 23, "An Act to amend section 4 of an act entitled 'An Act to protect fur-bearing animals and fish in the territory of Montana,'" read first and second times.

On motion of W. F. Sanders, the Clerk was instructed to return C. B. No. 23 to the Council, with the request that they have their amendments engrossed in the bill.

On motion of W. F. Sanders, the vote by which the Clerk was instructed to return C. B. No. 23 to the Council, was reconsidered.

On motion of W. F. Sanders, the following amendment was adopted: Strike out the words "said act" where they occur in section 1, and insert in lieu thereof the words "An Act to protect game, fur-bearing animals, and fish in the territory of Montana, approved January 5th, 1876."

Mr. McCormick moved to amend as follows: Strike out the word "March" and insert in lieu thereof "January;" also strike out the "first day of August" and insert the "twentieth day of July."

On motion of Mr. Howell, the following amendment to the amendment was adopted, to-wit: Strike out "July" and insert "August."

Mr. McCormick's amendment was then adopted as amended.

On motion of Mr. Chadwick, the bill, as amended, was referred to the Committee on Judiciary.

C. B. No. 15, "An Act concerning elections," read first and second times, and referred to the Committee on Elections.

C. B. No. 27, "An Act in relation to the competency of witnesses," read first and second times, and referred to the Committee on Judiciary.

C. B. No. 28, "An Act to prohibit persons keeping gambling houses from permitting minors to gamble therein," read first and second times, and, on motion of Mr. W. F. Sanders, was amended as follows: Strike out all after the enacting clause and insert:

"Section 1. If any person or persons within this territory occupying any house, room, or place of resort, shall permit any card playing or gambling to take place therein or thereon in view of any sidewalk, street or highway, or shall permit any youth under the age of 21 years to play therein any game at cards, or shall give or sell to any youth under the age of 21 years, any spirituous or malt liquors and shall be thereof convicted, he or they shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty nor more than five hundred dollars."

“Section 2. That such person so convicted shall be permitted to avail himself of the provisions of section 389 of an act entitled ‘An Act to regulate proceedings in criminal cases in courts of justice in Montana territory,’ approved January 2d, 1872.”

The bill, as amended, was referred to the Committee on Judiciary.

C. B. No. 30, “An Act to provide against accidents in case of fire,” was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 34, “An Act to increase the compensation of grand and trial jurors in the district court in the county of Deer Lodge, in the territory of Montana,” was read first time, and W. F. Sanders moved that the bill be rejected; which motion was lost by the following vote:

*Ayes*—Brainard, Hyde, Porter, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Witter—6.

*Nays*—Batchelder, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Rotwitt, Robinson, Robbins, Steele, Thompson, Vivion, Word, and Mr. Speaker—20.

The bill was then read the second time, and Mr. W. F. Sanders moved to refer to the Committee on Judiciary.

Mr. McCormick moved to amend by referring to a select committee consisting of the Deer Lodge delegation; upon which motion the ayes and nays were called.

Those voting aye were: Brainard, Chadwick, Davis, Dixon, Hyde, Ives, McCormick, McElroy, Porter, Robinson, Steele, and Thompson—12.

Those voting nay were: Batchelder, Galen, Hickman, Howell, Kessler, Mood, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Vivion, Witter, Word, and Mr. Speaker—14.

And the motion was lost.

The bill was then referred to the Committee on Judiciary.

On motion of Mr. Hickman, the following resolution was adopted :

WHEREAS, The House has learned with sorrow of the death of Major J. F. Forbis, formerly an honorable member of this body ; therefore, as a mark of respect to the honorable deceased,

*Resolved*, That the House do now adjourn until Monday, the 29th inst., at 10 o'clock A. M.

And the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest*: A. H. BARRET, *Chief Clerk.*

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## TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }  
January 29th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

H. B. No. 37, "An Act to protect creditors," read first and second times, and referred to the Committee on Judiciary.

H. B. No. 38, "An Act concerning stallions," read first and second times, and referred to the Committee on Grazing and Stock Growing.

H. B. No. 39, "An Act to amend section 147 of the criminal

laws," approved January 12th, 1872 (codified statutes), read first and second times, and referred to the Committee on Judiciary.

H. B. No. 40, "An Act defining the boundaries of Chouteau county," read first and second times, and referred to the Committee on Towns and Counties.

H. J. M. No. 4, asking Congress to aid in the maintenance of the free schools of the territory of Montana, read first and second times, and referred to the Committee on Federal Relations.

H. B. No. 4, "An Act to amend an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena," approved February 11th, 1876, was taken up, and, on motion of Mr. Chadwick, was amended as follows: Amend section 10, line 7, by striking out the figures "\$20," and insert in lieu thereof the word "twelve."

On motion of W. F. Sanders, the Chief Clerk was instructed to engross the amendment to section 10 in the presence of the House.

The bill was then read the third time, and passed by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Dixon, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Lewis and Clarke), Steele, Thompson, Witter, Word, Mr. Speaker—20.

*Nays*—Batchelder, Galen, Robbins, Sanders (of Jefferson), Vivion—5.

Absent on leave—Mr. Hickman.

On motion of W. F. Sanders, the title was amended so as to read: "An Act to facilitate the construction of the Helena and Benton Railroad."

Mr. Chadwick moved to reconsider the vote by which H. B. No. 4 was passed.



Mr. Chadwick moved to lay that motion on the table; which motion prevailed.

H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana," was read the third time and passed.

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Mr. Speaker—24.

*Nays*—Mr. Word.

Absent on leave—Mr. Hickman.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 29th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that McAdow introduced C. B. No. 36, "An Act to preserve the finances of Montana territory," which was read first time and rejected.

The accompanying telegram was received, read, spread on the minutes, and ordered transmitted to the House.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

NEW YORK, January 27, 1877.

*To President of Council and Speaker of House of Representatives:*

We hear that a bill is before you to grant subsidy of five thousand dollars per mile for standard gauge road from head of navigation on Yellowstone three hundred miles westward. Should it pass in reasonably practicable form, the Northern Pacific will do all in its power towards the immediate construction of that section of the road.

GEO. STARK, *Vice Prest.*

H. B. No. 17, "An Act to provide for the taxation of a jury fee in civil cases in the courts of the territory," was read for information, and, on motion of W. F. Sanders, was recommitted to the Committee on Judiciary.

H. B. No. 21, a bill for "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1873, was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis Dixon, Galen, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, Word, Mr. Speaker—25.

*Nays*—None.

Absent on leave—Mr. Hickman.

On motion of W. F. Sanders, the title was amended so as to read: A bill for "An Act to amend an act in relation to brands and marks."

H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," was read for information.

On motion of Mr. J. G. Sanders, the bill was recommitted to the Committee on Agriculture and Manufactures.

C. B. No. 9, "An Act to compel the owners of ditches and flumes to keep the same in repair," was read the third time, and passed.

Those voting aye were: Batchelder, Brainard, Chadwick, Dixon, Galen, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, and Word—23.

*Nays*—Mr. Davis and Mr. Speaker—2.

Absent on leave—Mr. Hickman.

The title was agreed to.

C. B. No. 14, "An Act to give the poor man the same rights as the rich man in all courts of justice," was, on motion of W. F. Sanders, recommitted to the Committee on Judiciary.

C. B. No. 11, "An Act to provide for the employment of stenographers in the district court," was read the third time, and passed.

Those voting in the affirmative were: Batchelder, Brainard, Chadwick, Dixon, Galen, Howell, Hyde, Ives, McCormick, Mood, Porter, Rotwitt, Robbins, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steele, Thompson, Vivion, Witter, and Mr. Speaker—21.

*Nays*—None.

Absent on leave—Mr. Hickman.

Absent without leave—Messrs. Davis, Kessler, McElroy, and Word.

The title was agreed to.

On motion of Mr. Chadwick, H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," was taken up, and it was resolved that the House resume the consideration of the bill in Committee of the Whole, at 2:10 o'clock this P. M.

On motion of J. G. Sanders, H. B. No. 20, "An Act to protect the treasuries of the counties, and of the territory of Montana," was referred to the Committee on Ways and Means.

On motion of Mr. Chadwick, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called — members all present.

On motion of Mr. Brainard, H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," was ordered printed.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows, to-wit:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that House Bill No. 2, "An Act to pay for the support and maintenance of the insane," has been correctly enrolled.

Report received.

Mr. Dixon, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 31, beg leave to report the same correctly printed, with the exception of the following, to-wit: Section 1, line 2, after the word "form," should read "and," also in line 20, after the words "rail-road bonds," should read "to an amount," instead of "the amount."

All of which is most respectfully submitted.

Report received.

On motion of Mr. Chadwick, H. B. No. 31, "An Act to aid in construction of a railroad to Montana," was referred to the Committee on Internal Improvements.

On motion of Mr. Howell, H. B. No. 24, "An Act for the relief of F. C. Deimling," was taken up, the amendments reported by the committee adopted, and the bill adopted as amended, and ordered engrossed for a third reading.

H. B. No. 18, a bill for "An Act in relation to the duties of county commissioners," was taken up, and, on motion of Mr. Vivion, the substitute as reported by the committee was adopted as the original bill.

On motion of Mr. Vivion, the word "thirty" was stricken out of section 2, where it occurs, and the word "twenty" inserted in lieu thereof.

On motion of Mr. Vivion, the Chief Clerk was instructed to insert the word "twenty" in lieu of the word "thirty," in section 2.

The bill was then ordered engrossed, as amended, for the third reading.

On motion of Mr. Chadwick, the House resolved itself into Committee of the Whole, to further consider H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory"—Mr. McCormick in the chair.

The House resumed—Mr. Speaker in the chair.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that H. B. No. 2, "An Act to pay for the support and maintenance of the insane," was handed to the Governor at 2:45 P. M., January 29th, 1877.

Report received.

On motion of Mr. Howell, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest: A. H. BARRET, Chief Clerk.*

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## TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }  
January 30th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Vivion absent.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vivion was granted leave of absence for the day.

Mr. McCormick in the chair.

Mr. Rotwitt, chairman of the Committee on Indian Affairs, reported as follows :

MR. SPEAKER:—Your Committee on Indian Affairs, to whom were referred certain portions of the Governor's message, beg leave to report that we see with profound gratification that the military campaign conducted by Brigadier General Crook, U. S. A., against the Sioux Indians in eastern Montana, is happily approaching a successful termination, and we sincerely hope that the assurances reported to have been given by high military authority, that the campaign against the Indians shall not cease until they submit to the authority of the general government, and give guarantees of future peace, are not a hollow phrase, but will be kept to the letter. If a standing army is a necessity in this republic, there is certainly no more legitimate and useful field for it than the exposed frontiers of the western territories, where the hardy pioneers, the forerunners of civilization, are constantly exposed to the ravages of the Indians. Less sanguine than those in high authority, referred to in the Governor's message, and fully as familiar with the character and customs of Indians, by means of our own experience in this territory, we expect the resumption of hostilities on the part of the Sioux Indians, with the approach of the spring season; and would, therefore, recommend the passage of a joint memorial to Congress, which will ere long be introduced by your committee, suggesting the strengthening of the garrisons of the different forts in this territory and possibly the erection of one or more new forts on the route from Bozeman to the Black Hills.

We see with great pleasure that an act of justice has been done by the President, in revoking the order increasing the area of the reservation of the Crow Indians in this territory.



Your committee would, in connection with this report, beg leave to introduce the annexed joint resolution.

All of which is respectfully submitted.

Report received.

Mr. Robbins, chairman of the Committee on Grazing and Stock Growing, reported as follows :

MR. SPEAKER:—Your committee to whom was referred House Bill No. 6, entitled “An Act relating to live stock,” beg leave to report that we have had the same under consideration, and herewith submit a substitute for same, and recommend that the said substitute do pass.

Also, as follows :

MR. SPEAKER:—Your committee to whom was referred House Bill No. 5, “An Act to repeal an act concerning live stock,” approved Feb. 11th, 1876, beg leave to report the same back and recommend that the same do pass.

Report received.

Mr. Chadwick, chairman of the Judiciary Committee, reported as follows :

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 34, beg leave to report that they have had the same under consideration, and report the same back to the House with the recommendation that it do not pass.

Report received.

Also, as follows :

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 39, being “An Act relative to nuisances,” beg leave to report the same back to the House, and recommend the following amendments, to-wit :

Amend by inserting after the word “any,” in line 3 of section 1, the following words: “public road or highway, or common street, or alley in any city, town, or village, or any.”

Also, amend by inserting after word "thereabouts," in line 20 of section 1, the words "or shall erect or maintain any other thing which would be a nuisance at common law."

Also, amend by inserting after the word "fined," in line 22 of section 1, the words "not more than."

Also, amend by striking out in line 26 of section 1, the following words: "or of the district court."

And that the bill, so amended, do pass.

Report received and adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was recommitted H. B. No. 17, beg leave to report that it has had the same under consideration, and report the same back to the House, with the recommendation that the bill be amended as follows, to-wit:

Amend by striking out section 3 and inserting the following in lieu thereof:

Section 3. That section 634 of "An Act entitled 'An Act revising, re-enacting, and codifying the general and permanent laws of Montana territory,'" approved January 12th, 1872, be and the same is hereby repealed.

Also amend by striking out section 4 of the said bill.

And that the bill, so amended, do pass.

On motion of J. G. Sanders, the report was adopted.

J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred substitute for House Bill No. 18, being "An Act defining the powers and duties of the board of county commissioners of Gallatin county in certain cases;" also House Bill No. 24, entitled "An Act for the relief of F. C. Deimling," beg leave to report the same back to the House correctly engrossed.

Report received.

Mr. Word, chairman of the Committee on Agriculture and Manufactures, reported as follows:

MR. SPEAKER:—Your Committee on Agriculture and Manufactures, to whom was referred H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," respectfully report the same back, with the following amendment: Strike out the word "five" in section 1, and insert the word "six" in lieu thereof. Being so amended, your committee recommend that the bill do pass.

Report adopted.

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred House Bill No. 14, beg leave to report that they have had the same under consideration, and recommend that it do pass.

Report received.

Mr. Davis reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 26, a bill for "An Act to amend an act to provide for biennial elections in the territory of Montana," with amendments, report the same back to the House with the recommendation that the amendments be adopted, and that, as amended, it do pass.

On motion of W. F. Sanders, the report was adopted.

Mr. Steell, chairman of the Select Committee on Mileage, reported as follows:

MR. SPEAKER:—Your Committee on Mileage beg leave to report that they find the persons hereafter named entitled to the following mileage:

	MILES.		MILES.
McCormick, . . . . .	300	Vivion, . . . . .	200
Dixon, . . . . .	300	Galen, . . . . .	120
Ives, . . . . .	360	J. G. Sanders, . . . . .	40
McElroy, . . . . .	114	Batchelder, . . . . .	100
Mayhew, . . . . .	90	Chadwick, . . . . .	0
Hyde, . . . . .	90	W. F. Sanders, . . . . .	0
Robinson, . . . . .	90	Davis, . . . . .	2
Porter, . . . . .	180	Kessler, . . . . .	6
Word, . . . . .	250	Steell, . . . . .	160
Howell, . . . . .	250	Rotwitt, . . . . .	36
Hickman, . . . . .	250	Brainard, . . . . .	150
Mood, . . . . .	200	Thompson, . . . . .	280
Robbins, . . . . .	160	Witter, . . . . .	330

Report received and the committee discharged.

Mr. Sanders (of Lewis and Clarke), chairman of the select committee to whom was referred H. B. No. 25, reported as follows, to-wit:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 25, a bill for “An Act to consolidate the county offices of Meagher county,” with instructions to bring in a bill consolidating offices and reducing fees, which should be general in its application to all the counties of the territory, has had the said House Bill No. 25, a bill for “An Act to consolidate the county offices of Meagher county,” under consideration, and has instructed me to report the same back, with the recommendation that it be amended as follows, to-wit:

Amend section 1 by striking out all after the word “receive,” in line 14, and by inserting in lieu thereof the following: “Not less than one-half nor more than three-fourths of one mill on the assessed value of all property as returned by him, subject to all deductions made by said board of equalization.

Amend the bill by striking out section 2 thereof, and by inserting the following in lieu thereof: “That the probate judge of said county shall, by virtue of his said office, be, and in addition to the

duties of said office of probate judge, shall perform the duties of, county clerk and recorder, as prescribed by law, and shall, in addition to his fees as probate judge, receive the same fee as are by said law allowed to said clerk and recorder for his services as such clerk and recorder; and before entering upon the discharge of his duties, he shall, in addition to his bond as probate judge, execute the same bond as is now required by law for said clerk and recorder, and take the same oath of office as is now required of said clerk and recorder.

Strike out the words "probate judge," in line 2 of section 4, and insert in lieu thereof the words "county clerk and recorder."

Also amend the bill by striking out the words "county clerk," in line 4 of section 6, and inserting the words "probate judge" in lieu thereof, and striking out the words "probate judge," where they occur in line 5 of section 6, and inserting the words "county clerk and recorder" in lieu thereof.

Strike out section 6, and insert the following in lieu thereof: "Section 6. This act shall not affect the tenure of office of any officer now holding the office of county assessor, county clerk and recorder, or superintendent of schools, nor with their discharge of the duties thereof, but they may proceed to discharge said duties, and hold their said offices to the close of the term for which they have been elected or appointed; but otherwise this act shall take effect from and after its passage."

And, as so amended, a majority of your committee recommend that the said H. B. No. 25 do pass, while a minority join in reporting it back, but without recommendation.

All of which is respectfully submitted.

On motion of Mr. Word, the report was adopted.

Mr. Sanders (of Lewis and Clarke), chairman of select committee, also reported as follows:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 25, with instructions to bring in a bill consolidating offices, general in its application to all the counties of the territory, and reducing their fees, have had the subject under consideration,

and instructed me to report back the accompanying bill, pursuant to the instructions of the House. A majority of the committee, composed of Messrs. Thompson, Brainard, Robinson, McCormick, Word, Vivion, and Galen, direct that the said bill be reported back without recommendation, while a minority of the committee, composed of Messrs. Witter and Sanders, recommend that the said bill do pass.

All of which is respectfully submitted.

Mr. W. F. Sanders moved to adopt the report.

And Mr. Robinson moved to lay that motion on the table; which motion prevailed by the following vote:

Those voting aye were: Messrs. Brainard, Chadwick, Galen, Howell, Hyde, Ives, McCormick, McElroy, Mood, Porter, Robinson, Robbins, Word, and Mr. Speaker—14.

Those voting nay were: Messrs. Batchelder, Davis, Dixon, Hickman, Kessler, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, and Witter—11.

Absent on leave—Mr. Vivion.

Notices were given:

By Mr. Rotwitt—A bill in relation to county treasurers.

Also, a bill referring to Dawson and Big Horn counties.

By Mr. Chadwick—"An Act to amend section 69 of the criminal practice act," approved January 12th, 1872.

Mr. Kessler introduced H. B. No. 41, "An Act to protect persons and property." Read first and second times, and Mr. Kessler moved to refer the bill to the Judiciary Committee.

Mr. Robbins moved to amend, and refer to the Committee on Mines and Minerals; which motion was lost.

And Mr. Kessler's motion was then adopted.

Mr. Steell introduced H. B. No. 42, "An Act to create the county of Dearborn." Read first and second times, and Mr. Steell



moved to refer the bill to a select committee of three, composed of one member each from Chouteau, Missoula, and Lewis and Clarke counties.

Mr. Chadwick moved to amend Mr. Steell's motion by substituting the Committee on Towns and Counties, and the motion prevailed; and the bill was then referred to the Committee on Towns and Counties.

Mr. J. G. Sanders introduced H. B. No. 43, "An Act to authorize the several counties of this territory to change their county seats, on certain conditions." Read first and second times.

Mr. Batchelder moved to amend section 1 as follows: Strike out the word "citizen," and insert in lieu thereof the words "legal voters and tax-payers."

Mr. Sanders (of Jefferson) moved to amend the amendment by striking out the words "and tax-payers;" upon which amendment to the amendment, the ayes and nays were called.

Those voting aye were: Brainard, Chadwick, Davis, Dixon, Hickman, Ives, Kessler, McCormick, Porter, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word, and Mr. Speaker—17.

Those voting nay were: Batchelder, Galen, Howell, Hyde, McElroy, Mood, Robinson, and Robbins—8.

Absent on leave—Mr. Vivion.

The amendment was then adopted as amended.

On motion of Mr. Batchelder, the following amendment was adopted: Strike out of lines 15 and 16, in section 2, the words "highest number of votes," and insert in lieu thereof the words "a majority of all votes cast upon the question, pursuant to law."

On motion of Mr. Batchelder, the bill, as amended, was referred to the Committee on Towns and Counties.

Mr. Rotwitt introduced H. J. R. No. 1, to change the name of the Little Big Horn river to Custer river. Read first and second

times. W. F. Sanders moved that the rules be suspended, the resolution considered engrossed, read the third time at length, and, as the Clerk calls the roll, each member shall rise to his feet and vote; and the motion prevailed. The resolution was then read the third time and passed by the following vote:

Those voting in the affirmative were: Messrs. Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word, and Mr. Speaker—25.

*Nays*—None.

Absent on leave—Mr. Vivion.

The title was then agreed to.

On motion of Mr. Brainard, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Vivion absent on leave.

H. B. No. 18, "An Act defining the powers and duties of the board of county commissioners of Gallatin county," was read the third time and passed.

Those voting aye were: Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Witter, and Mr. Speaker—23.

*Nays*—None.

Absent—Messrs. Sanders (of Lewis and Clarke), Vivion, and Word.

The title was agreed to.

H. B. No. 24, "An Act for the relief of F. C. Deimling," was read third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word, and Mr. Speaker—25.

*Nays*—None.

Absent on leave—Mr. Vivion.

The title was agreed to.

Mr. Hyde reported as follows :

MR. SPEAKER :—Your Joint Committee on Enrollment beg leave to report C. B. No. 9, "An Act to compel owners of ditches or flumes to keep the same in repair;" also C. B. No. 11, "An Act to provide for the employment of stenographers in the district courts," correctly enrolled.

Report received.

On motion of Mr. Chadwick, the House resolved itself into Committee of the Whole for the further consideration of H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory"—Mr. McCormick in the chair.

The House resumed—Mr. Speaker in the chair.

Mr. McCormick was granted time to make a report as chairman of the Committee of the Whole.

The Speaker announced that he had signed C. B. No. 9, "An Act to compel the owners of ditches or flumes to keep the same in repair;" also, C. B. No. 11, "An Act to provide for the employment of stenographers in the district court."

—H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876. On

motion motion of Mr. Hickman, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word, Mr. Speaker—24.

*Nay*—Mr. McCormick.

Absent on leave—Mr. Vivion.

The title was agreed to.

H. B. No. 30, "An Act to provide for the compensation of J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for services rendered the territory for printing the Auditor's and Treasurer's reports for the year 1875." Mr. W. F. Sanders moved to strike out in lines 2 and 3, of section 1, the words "two hundred and fifty-one" and insert "one hundred and seventy-seven" in lieu thereof; which motion was lost.

The bill was then ordered engrossed for a third reading.

H. B. N. 29, "An Act to regulate and establish the fees of county treasurer." On motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and lost by the following vote:

*Ayes*—Galen and Mr. Speaker—2.

*Nays*—Batchelder, Chadwick, Davis, Dixon, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word—22.

Absent—Messrs. Brainard and Vivion—2.

H. B. No. 33, "An Act to provide for the publishing the reports of the supreme court of the territory." On motion of Mr. Chad-

wick, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote :

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Mr. Speaker—24.

*Nay*—Mr. Word.

Absent—Mr. Vivion.

The title was agreed to.

H. B. No. 23, a bill for "An Act with reference to the exhibit of Montana at the national exhibition." On motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote :

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word, Mr. Speaker—24.

*Nays*—None.

Absent—Messrs. Howell and Vivion.

The title was agreed to.

On motion of W. F. Sanders, H. B. No. 14, "An Act reapportioning the members of the Legislative Assembly," was made the special order for 10:30 A. M. on the 31st inst.

H. B. No. 39, "An Act to amend section 147 of the criminal laws," approved January 12th, 1872. On motion of Mr. Chadwick, the amendments, as reported by the committee, were adopted, and the bill ordered engrossed for a third reading.

H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," was taken up, and J. G. Sanders moved to amend the amendment offered by the committee,

by striking out the word "six" and insert the word "eight;" which motion was lost. The amendment, as reported by the committee, was then adopted.

On motion of Mr. Robinson, the following amendment was adopted: Amend by adding to section 1 the following: "The said factory shall be deemed completed at the time of manufacturing the first fabric."

Mr. McCormick moved to recommit the bill to the Committee on Agriculture and Manufactures; which motion was lost.

Mr. Hyde moved that the following amendment be adopted: Amend section 1 as follows: after the word "first" insert the words "two woolen factories;" which motion was lost.

Mr. Hickman offered the following amendment, which was lost: Amend section 1 by adding thereto: "Provided that the amount of capital employed, exclusive of buildings, shall not, at a fair valuation, exceed the sum of twenty-five thousand dollars."

Mr. Davis moved the adoption of the following amendment: Amend by adding to section 1, "that they must not be built in some central locality;" which motion was lost.

Mr. McCormick moved that the House adjourn; lost.

H. B. No. 22 was then ordered engrossed for a third reading.

On motion of Mr. Thompson, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*



## TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }  
January 31st, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. Robbins.

Prayer by the Chaplain.

Journal of yesterday read, corrected, and approved.

The Speaker ordered that the bill for "An Act to consolidate the offices and reduce the fees," be entered at large upon the journal.

Mr. Word presented a petition from sundry citizens of Madison county, asking that a bill be passed prohibiting the sale of intoxicating liquors on Sunday; which was, on motion of Mr. Sanders (of Jefferson), referred to the Committee on Education and Labor.

On motion of J. G. Sanders, H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly," was made the special order for 2:10 this P. M., to be considered in Committee of the Whole.

Mr. McCormick, chairman of the Committee on Federal Relations, reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred H. J. M. No. 4, asking a donation of the public lands in aid of the free schools of the territory of Montana, beg leave to report the same back to the House, with the recommendation that it do pass.

Report received.

Mr. McCormick also reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred C. J. M. No. 1, asking for the establishment of a post route between Helena, Montana, and Deadwood City, Dakota, beg leave to report the same back to the House, with the following amendments, to-wit:

*First.* Amend the title so that it shall read as follows: "Asking for the establishment of a post route between Bozeman, Montana territory, and Cheyenne, Wyoming territory, *via* Deadwood City, Dakota territory."

*Second.* Amend paragraph 2 of said memorial by striking out the word "Utah," in line 7, and insert in lieu thereof the word "Idaho."

*Third.* Amend paragraph 3 by striking out the words "two hundred miles," in last line of said paragraph.

*Fourth.* Amend paragraph 4 by striking out the word "eight," in line 2 of said paragraph, and insert in lieu thereof the word "six;" also by striking out the words "a route," in line 3 of said paragraph, and insert in lieu thereof the words "such route;" also strike out all of line 3 of said paragraph after the word "route;" also all of line 4 to and including the word "Montana," in line 5.

*Fifth.* That paragraph 5 be amended by striking out all of line 4 after the word "from," and all of line 5 to and including the word "city;" also strike out the word "to" in line 7 of said paragraph, and insert in lieu thereof the word "via;" also insert before the word "and," in line 8 of said paragraph, the words "Cheyenne, Wyoming territory."

With said amendments, your committee recommend that the memorial do pass.

On motion of Mr. Howell, the report was adopted.

Mr. Robbins reported as follows:

MR. SPEAKER:—Your committee to whom was referred House Bill No. 38, entitled "An Act concerning stallions," beg leave to report that we have had the same under consideration, and would respectfully offer the following as an amendment:

After the word "and," in section 2, erase "if not claimed within five days."

With this amendment, your committee would report the same back to the House, and recommend that it do pass.

On motion of Mr. Brainard, the report was adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Grazing and Stock Growing, to whom was recommitted Council Bill No. 8, "An Act in relation to swine," with amendments recommended, beg leave to report the same back to the House, with the recommendation that the amendment striking out all of section 3 after the word "jurisdiction," in line 11 of said section, be rejected.

Your committee would further recommend that the amendment striking out the words "one hundred and," line 6, section 2, be rejected.

Your committee would recommend that section 3 of said bill be amended as follows, to-wit: Insert between the words "to" and "Missoula" the words "any part of;" also add after the word "county," in last line of said section, the following: "except the town of Missoula."

With this amendment, your committee recommend that the bill do pass.

On motion of Mr. McCormick, the report was adopted.

On motion of Mr. Vivion, Mr. Robbins was granted leave of absence for the forenoon.

Mr. McCormick reported as follows, as chairman of the Committee of the Whole:

MR. SPEAKER:—Your Committee of the Whole House, to whom was referred H. B. No. 1, a bill for "An Act to establish and maintain a hospital for the insane, and otherwise to provide for the insane of the territory," with the amendments recommended and offered thereto, has had the same under consideration, and has instructed me to report the same back to the House with the following amendments, to-wit:

Amend section 1 by inserting after the word "trustees," in line 2, the words "one to be chosen from each judicial district;" also by striking out in the same line, the words "in some central locality."

Amend section 2 by striking out all of line 10 after the word "session," all of lines 11, 12, 13, and all of line 14 to the word "same," inclusive; also by filling the blanks in lines 18 and 19 with the words "first Monday of January, April, July, and October."

Also add the following, to be known and numbered as section 3: "After the completion of the insane hospital aforesaid, the trustees thereof shall appoint a visiting physician, whose duty it shall be to visit the said hospital every three months and make a thorough examination of the management and medical treatment of the patients therein detained, and make a report thereof to the trustees and resident physician. The superintendent of the hospital shall afford every facility to the visiting physician for a thorough and complete examination. The visiting physician shall be allowed no compensation, actual expenses excepted." Strike out in line 1 of said section, the word "of," and insert in lieu thereof the word "after."

Also, after section 6, the following, to-wit: "Provided, said trustees may, instead of building said hospital as provided for in this section, in their discretion purchase some tract of land with suitable buildings thereon, in which case said buildings may be of stone or brick, and in case such purchase be made, the said trustees shall repair the same if necessary, and make preparations for the reception of said insane, as provided for in this act." Also amend by striking out all of section 6 of the printed bill.

Also, amend section 7 by striking out in line 2, "the words and figures six," and insert in lieu thereof "the words and figures two." Also, by striking out the word "family," in line 3 of said section, and insert the word "wife;" also, in same line, after the word "reside," strike out the word "in," and insert in lieu thereof the word "at." Also amend by striking out the whole of section 7 after the word "him," in line 8, to the word "he," in line 11, and insert the following: "And the trustees shall, as soon as such report is received and examined, transmit the same, together with their own,

to the Governor of the territory, who shall, on the first day of December, before each regular session of the Legislative Assembly, transmit such reports to each branch of the Legislative Assembly."

Amend section 8 by striking out in line 2, the word "decided," and insert in lieu thereof the word "adjudged;" also, by striking out in line 3 of said section, the words "or insanity."

Amend section 9 by inserting after the word "indigent," in line 1, the word "insane;" also, by striking out in same line, the words "and paupers;" also, by striking out in line 3, the words "provided that," and insert in lieu thereof the word "and;" also, by striking out in line 4, the words "outside of the hospital;" also, by striking out in line 5, the word "hospital," and wherever the said word occurs in the bill, and insert in lieu thereof "insane asylum."

Amend section 10 by striking out in line 1 of said section, the word "institution," and wherever said word occurs in said bill, and insert in lieu thereof the words "insane asylum;" also, by striking out in line 2, the word "offence," and insert in lieu thereof the word "crime;" also, strike out all after the word "institution," in line 5, and insert the following: "A lien is hereby ordered to exist on all property of said persons, in favor of said trustees, from the time of the arrest of such person, or if not arrested before indictment found, then from the date of such indictment, to the extent of the regular charges of the insane asylum for the care and attention bestowed on such person: *Provided*, that when such person is the head of a family residing in the territory, such lien shall extend only to such property of such person as is subject to execution."

Amend section 11 by inserting after the words "shall be," in line 7 of said section, the words "if practicable;" also, amend by inserting after the word "territory," in line 19 of said section, the following: "who are under legal obligation to support or maintain such insane person."

Also, amend section 12 by adding thereto the following: "subject to the exemption provided for in section 10 of this act."

Also, amend section 14 by striking out in line 5, after the word "jury," the words "as provided for in section 11 of this act," and

insert in lieu thereof "a jury of three;" also, amend by striking out all of said section 14 after the word "jury," in line 19, and insert in lieu thereof "no fees."

Also, amend section 15 by striking out in line 2 of said section, after the word "dollars," the words "for each warrant issued, one dollar."

Also, amend by striking out all of section 16, and substituting the following as sections 16, 17, 18, 19, and 20:

Section 16. That the superintendent shall keep the accounts of the asylum in such a manner as to clearly exhibit all the financial transactions relating to it, and at the end of each month shall furnish to the board of trustees an itemized statement of the expenses of the same for the preceding month, under oath or affirmation.

Section 17. That it shall be the duty of the board of trustees, upon receiving a verified statement from the superintendent of the amount due, to forthwith examine said statement, and if they find the same correct, they shall certify the same to the Territorial Auditor, whose duty it shall be, under the direction of the Governor, to draw his warrant upon the Territorial Treasurer for the amount, but no money shall be drawn from the treasury except upon accounts duly certified by the superintendent, and approved by two of the board of trustees.

Section 18. That for the purpose of creating a fund for the care, custody, and maintenance of the insane, it shall and is hereby made the duty of the boards of county commissioners of the several counties to cause to be levied an *ad valorem* tax of one mill on all assessable property returned by the assessors of their respective counties, to be collected as other taxes are collected, and which shall be paid into the territorial treasury, and the Treasurer shall place the same to the credit of the insane asylum fund; and the Territorial Treasurer is hereby authorized to transfer any surplus funds which are or may be paid into the sinking fund to the credit of said asylum fund, provided the same shall not exceed in amount the sum of twenty thousand dollars.

Section 19. That when it may occur that there are no funds standing to the credit of said asylum fund, and it becomes necessary



to meet current expenses of the asylum, the Territorial Auditor is authorized, and it is hereby made his duty, to sell a sufficient amount of territorial warrants to meet said expenses; said warrants to be sold in like manner as warrants are sold for keeping the territorial convicts.

Section 20. That whenever the trustees shall notify the Governor that, upon any contract entered into by them for the purchase of land or construction of buildings herein provided for, a sum of money is to become due in the future, they may report such fact to the Governor, giving the amount thereof, and a copy of the contract under which the same accrued, and the time when the same will be payable, and if there are no funds in the treasury applicable thereto, the Territorial Auditor shall draw, and the Treasurer, under the Governor's direction, shall sell, a sufficient amount of warrants, on notice, to raise the required sum, which said sum shall be applied to the payment of such indebtedness.

Also, add the following, as section 21: "Nothing in section 4 of this act shall be interpreted to inhibit the acceptance, by the said trustees, of any tract or parcel of land, which shall answer the requirements of the said asylum, from any person or persons who will present the same to the territory therefor."

Also, section 17 of the printed bill be re-numbered as section 22, and amend the same by striking out the words and figures in lines 2 and 3 of said section, "the words and figures twenty-four," and insert in lieu thereof "the words and figures twenty." Also, by striking out sections 18 and 19 of the printed bill.

Your committee recommend that the above amendments be adopted. It has further instructed me to report said bill back to the House, with the recommendation that the bill, as amended, do pass.

All of which is respectfully submitted.

On motion of Mr. Chadwick, the report was adopted.

Mr. Davis gave notice of the introduction of "An Act to provide for the collection of statistics."

Bills were introduced as follows:

By Mr. Robinson—H. B. No. 44, "An Act to amend an act concerning license." Read first and second times, and, on motion of W. F. Sanders, the following amendment was adopted: Where it occurs in section 1, strike out "drummers," and insert "commercial agents" in lieu thereof.

Mr. Chadwick moved to amend as follows: Where the word "fifty" occurs in section 1, before the word "dollars," insert "twenty."

On motion of Mr. Hyde, the following amendment to the amendment was adopted: Amend by striking out "twenty" and insert "ten" in lieu thereof.

The amendment was then adopted as amended.

Mr. Howell moved to amend as follows: Strike out the words "for each county;" which motion was lost.

The bill was then referred to the Committee on Ways and Means.

By Mr. Chadwick—H. B. No. 45, a bill to amend section 69 of the criminal practice act, approved January 12th, 1872. Read first and second times, and referred to the Judiciary Committee.

By Mr. McElroy—H. B. No. 46, a bill exempting the wages of employes from attachment. Read first and second times, and referred to the Judiciary Committee.

C. B. No. 16, "An Act to authorize the trustees of school district No. 7, in Gallatin county, Montana territory, to issue and sell coupon bonds of said district for school purposes"—on motion of W. F. Sanders, the amendments, as reported by the select committee, were adopted, and the bill adopted as amended.

On motion of W. F. Sanders, the rules were suspended, the amendments considered engrossed, and the bill read the third time by its title, and passed by the following vote:

Those voting in the affirmative were: Messrs. Batchelder, Brainard, Chadwick, Dixon, Galen, Hyde, Ives, Kessler, McCormick,

McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—22.

*Nays*—None.

Absent—Davis, Hickman, Howell, and Robbins.

On motion of Mr. Sanders (of Lewis and Clarke), the title of the bill was amended so as to read as follows: "An Act to enable the people of Bozeman to erect a school house."

The title was adopted as amended.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that C. B. No. 9, "An Act to compel owners of ditches or flumes to keep the same in repair;" also, C. B. No. 11, "An Act to provide for the employment of stenographers in the district courts," were handed to the Governor at 11 o'clock this A. M., January 31st, 1877.

Report adopted.

On motion of Mr. Word, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Word moved that the order heretofore made requiring the Clerk to spread at large upon the journal a bill reported from a select committee of which W. F. Sanders was chairman, the same being "An Act to consolidate offices and reduce fees," be annulled, and that the same be not spread at large upon the journal; and that in the future no bill, so introduced, be spread at large upon journal of House.

And the motion prevailed, and the Clerk was so instructed.

H. B. No. 7, "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6th, 1873; H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana;" H. B. No. 23, a bill for "An Act with reference to the exhibit of Montana at the national exhibition;" and H. J. R. No. 1, changing the name of the Little Big Horn river to Custer's river, were ordered enrolled.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 31st, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that Mr. McAdow gave notice of the introduction of a bill entitled "A bill to provide for the care and maintenance of the insane."

That bills were introduced:

By McAdow—C. B. No. 38, "An Act to authorize the county commissioners of Gallatin county to issue bonds for the purpose of constructing a public highway."

By Ford—C. B. No. 39, "An Act prescribing the fees of the clerks of the district courts in the several counties of the territory, and other officers."

That the following bills have passed the Council:

H. B. No. 23, "An Act with reference to the exhibit of Montana at the national exhibition;"

H. J. R. No. 1, changing name of Little Big Horn river to Custer's river;

H. B. No. 7, "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6th, 1873;

H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana;"

C. J. M. No. 4, in relation to certain territorial officers;  
And are herewith transmitted.

That C. B. No. 25, "An Act to amend the criminal practice act," was lost.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 25, "An Act to consolidate the offices of Meagher county," was taken up, and, on motion of W. F. Sanders, the amendments reported by the select committee were adopted.

W. F. Sanders moved that the following amendment to the bill be adopted: Strike out "county of Meagher" where it occurs in section 1 of the bill, and insert in lieu thereof the words "counties of Meagher, Lewis and Clarke, Jefferson, Beaver Head, and Missoula," and make the bill consistent therewith; which amendment was adopted by the following vote:

*Ayes*—Batchelder, Davis, Dixon, Galen, Kessler, McCormick, McElroy, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Witter, Mr. Speaker—13.

*Nays*—Brainard, Chadwick, Hyde, Ives, Mood, Porter, Robinson, Robbins, Thompson, Vivion, Word—11.

Absent—Messrs. Hickman and Howell.

Mr. McCormick moved to reconsider the vote by which the amendment was adopted.

Mr. Hickman moved to lay that motion on the table; which motion was lost by the following vote:

*Ayes*—Batchelder, Dixon, Galen, Hickman, Howell, Kessler, Mood, Rotwitt, Steell, Witter—10.

*Nays*—Brainard, Chadwick, Davis, Hyde, Ives, McCormick, McElroy, Porter, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Word, Mr. Speaker—16.

Mr. Sanders (of Lewis and Clarke) moved that the bill be made the special order for 10:30 o'clock A. M. to-morrow; which motion was lost.

On motion of W. F. Sanders, the bill was recommitted, with the amendments offered, to the Committee on Towns and Counties.

On motion of W. F. Sanders, the House resolved itself into a Committee of the Whole to consider H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly"—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

C. J. M. No. 1, asking for a post route between Helena, Montana, and Deadwood City, Dakota, was, on motion of W. F. Sanders, recommitted to the Committee on Federal Relations.

H. J. M. No. 1, in relation to restoring a portion of the Crow Indian reservation to the public domain. On motion of W. F. Sanders, the rules were suspended, the memorial considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Word, Mr. Speaker—23.

*Nays*—None.

Absent—Messrs. Davis, Steell, and Witter—3.

The title was agreed to.

H. J. M. No. 2, for the establishment of a branch mint at Helena, Montana. On motion of W. F. Sanders, the amendments, as reported by the committee, were adopted, and the bill ordered engrossed, as amended, for a third reading.

Mr. Word; chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER:—Your Committee of the Whole, to whom was referred H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly," beg leave to report the same back to the House, with the recommendation that the same do pass with the following amendments: Strike out the words "section 3" (section III.) of bill, re-number section 4 as section 3, and substitute therefor the following:

Section 3. That an act of this Legislative Assembly, entitled a bill for "An Act apportioning the members of the Legislative Assembly, and prescribing the time of their election," be and the same is hereby repealed.

Strike out section 4.



On motion of Mr. Robinson, the report was adopted.

On motion of Mr. Robinson, the amendments of the Committee of the Whole were adopted, and the bill was ordered engrossed, as amended, for a third reading.

On motion of Mr. McCormick, H. J. M. No. 4, asking Congress to aid in the maintenance of the free schools of the territory of Montana, was recommitted to the Committee on Federal Relations.

H. B. No. 6, "An Act in relation to live stock," was taken up, and the substitute reported by the committee was adopted.

Mr. Rotwitt offered the following amendment: I move to amend by striking out all of section 1 after the word "pay," in line 10, and substitute instead the words "fifty dollars into the school fund of the respective county."

On motion of W. F. Sanders, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 1st, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Steell presented a petition from sundry citizens from Lewis and Clarke and Chouteau counties, praying that the new county of Dearborn should be created. Read and referred to the Committee on Towns and Counties.

Mr. Thompson presented a petition from sundry citizens of Chouteau county protesting against the organization of the new county of Dearborn; which was read, and, on motion of W. F. Sanders, was referred to the Committee on Internal Improvements.

The following message was received from His Excellency, the Governor:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
HELENA, M. T., February 1st, 1877. }

*To the Legislative Assembly:*

I have the honor to transmit herewith a copy of a communication from Sister Josephine, in charge of St. John's Hospital, Helena, Montana. I respectfully recommend that authority be granted to accept the proposition contained in the communication to maintain, etc., the three insane persons now confined in said hospital, until such time as other provisions are made for them.

Respectfully,

B. F. POTTS.

Enclosure, copy of Sister Josephine's communication.

ST. JOHN'S HOSPITAL,  
HELENA, M. T., January 31st, 1877. }

*To His Excellency, B. F. Potts, Governor of Montana:*

In reply to your note of yesterday, I have the honor to state that I will keep the persons mentioned at nine dollars each, per week; which consideration, of course, includes clothing, care, support, etc., etc., until such time as other provisions shall be made. I will secure such medical treatment as will be necessary, and offer the same gratis during the time specified above.

Most respectfully,

(Signed),

SISTER JOSEPHINE.

. Mr. Hyde reported as follows, from the Joint Committee on Enrollment:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report H. J. R. No. 1; H. B. No. 7, "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6th, 1873; H. B. No. 13, "An Act to amend section 31 of 'An Act to provide for biennial elections in the territory of Montana,'" also, H. B. No. 23, a bill for "An Act with reference to the exhibit of Montana at the national exhibition," correctly enrolled.

Report received.

Mr. McCormick, chairman of the Committee on Federal Relations, reported as follows:

MR. SPEAKER:—Your committee to whom was referred C. J. M. No. 2, beg leave to report the same back to the House with the following amendment:

Strike out, in line 8, paragraph 2, the words "whose inhabitants," and insert in lieu thereof the words "the inhabitants of which."

With the amendment, your committee recommend that the memorial do pass.

Report adopted.

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred House Bill No. 42, having had the same under consideration, beg leave to report the same back, and recommend that it do not pass.

On motion of W. F. Sanders, the bill, with the report, was re-committed to the Committee on Towns and Counties, with instructions to insert the title of the bill in the report.

Mr. Hyde also reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred House Bill No. 40, beg leave to report the same back, and recommend that it do pass.

Report received.

Mr. J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 30, entitled "An Act to provide for the compensation of J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for printing;" also, H. B. No. 39, entitled "An Act to amend section 147 of the criminal laws," approved January 12th, 1872 (codified statutes); also, H. B. No. 14, entitled "An Act re-apportioning the members of the Legislative Assembly;" also, House Joint Memorial No. 2, entitled "House Joint Memorial for the establishment of a branch mint at Helena, Montana," beg leave to report the same back to the House correctly engrossed.

Report received.

Notices of the introduction of bills were given:

By Mr. Porter—A bill entitled "An Act to transfer the moneys derived from the sale of town lots in the town site of Butte to the school fund of school district No. 3, for the purpose of building and furnishing a school house in said town."

By Mr. Ives—"An Act to provide means to increase the sinking fund of Missoula county."

Also, "An Act to amend an act entitled 'An Act to provide for the payment of the indebtedness of Missoula county,'" approved January 24th, 1876.

By Mr. Brainard—"An Act to amend an act in relation to revenues in the territory of Montana."

By Mr. Robinson—A bill in relation to civil actions.

Mr. Kessler was granted leave of absence for the forenoon.

The following bills were introduced:

By Mr. Rotwitt—H. B. No. 47, a bill for "An Act defining the relation of the counties of Big Horn and Dawson to the counties of Gallatin and Meagher."

By Mr. Davis—H. B. No. 48, a bill to repeal "An Act to provide for the collection of statistics," approved January 12th, 1872 (chapter 89, codified statutes).

By a Select Committee—H. B. No. 49, a bill for "An Act to consolidate county offices, and to reduce fees."

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 1st, 1877. }

MR. SPEAKER:—C. C. R. No. 6 has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

By Mr. McElroy—H. C. R. No. 4, that the Judiciary Committee of the two Houses are constituted a joint committee.

C. J. M. No. 4, in relation to certain territorial offices, was read first and second times. On motion of Mr. Chadwick, the rules were suspended, and the memorial passed to a third reading.

On motion of Mr. Sanders (of Lewis and Clarke), the vote by which C. J. M. No. 4, in relation to certain territorial offices, was passed to a third reading was reconsidered.

On motion of Mr. Chadwick, the memorial was referred to the Committee on Territorial Affairs.

On motion of Mr. Robinson, the following Council concurrent resolution was referred to the Committee on Internal Improvements:

*Resolved by the Council (the House concurring),* That the President of the Council and Speaker of the House be and are hereby appointed a committee of conference with the representation of the

various railroad companies from whom any formal or informal communication has been received, with the purpose of obtaining an interchange of views, the better to facilitate the action of the Legislative Assembly upon railroad matters.

H. B. No. 47, a bill for "An Act defining the relations of the counties of Big Horn and Dawson to the counties of Gallatin and Meagher," read first and second times, and referred to the Committee on Judiciary.

H. B. No. 48, a bill to repeal "An Act to provide for the collection of statistics," read first and second times, and referred to the Committee on Territorial Affairs.

On motion of Mr. McCormick, the following resolution was adopted:

*Resolved (the Council concurring),* That the Judiciary Committee of the two Houses be and they are hereby constituted a joint committee of the two Houses, with power to send for persons and papers, whose duty it shall be: *First.* To inquire if there be, in the territory, any counterfeit seal of the territory of Montana; and if yes, if there has been any impression thereof affixed to any papers emanating from any office in this territory. *Second.* To inquire who has the possession, custody, and control of the genuine seal of this territory, and is entitled thereto. *Third.* To inquire who has the possession, custody, and control of such counterfeited seal (if there be one), and what course is necessary to pursue to cause the same to be destroyed.

McELROY.

H. B. No. 49, a bill for "An Act to consolidate offices and reduce fees," read first time; and Mr. Vivion moved to reject the bill.

On motion of Mr. Sanders (of Lewis and Clarke), a call of the House was made.

Absent—Messrs. Brainard and Dixon.



Mr. McCormick moved that a further call be dispensed with; which motion was lost.

The Sergeant-at-Arms reported the absentees in their seats.

On motion of Mr. Sanders (of Lewis and Clarke), a further call was dispensed with.

On motion of Mr. Word, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Porter absent.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 1st, 1877. }

MR. SPEAKER:—The following bills were introduced in the Council:

By McAdow—C. B. No. 40, "An Act to define the duties of assessors."

By Allebaugh—C. B. No. 41, "An Act in relation to the redemption of real property."

By McAdow—C. B. No. 42, "An Act to provide for the custody, maintenance, and treatment of the insane."

By Mitchell—C. B. No. 43, "An Act to create a good time law for the convicts of the territorial penitentiary."

That the following have passed the Council, and are herewith transmitted:

H. J. M. No. 1, in relation to restoring a portion to the public domain.

H. B. No. 18, "An Act defining the powers and duties of the

board of county commissioners of Gallatin county in certain cases" (with amendments).

H. B. No. 24, "An Act for the relief F. C. Deimling."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. J. M. No. 1, in relation to restoring a portion of the Crow Indian reservation to the public domain; also, H. B. No. 24, "An Act for the relief of F. C. Deimling," were ordered enrolled.

Leave being granted, W. F. Sanders, chairman of the Committee on Internal Improvements, reported as follows:

MR. SPEAKER:—Your Committee on Internal Improvements, to whom was referred Council Concurrent Resolution No. 6, with reference to communicating with the representatives of the various railroad companies from whom communications have been received, have had the same under consideration, and have instructed me to report the same back with the recommendation that the same be amended as follows, to-wit: Insert after the word "companies" the words "or persons;" also, after the word "received" the words "concerning aid to a railroad to Montana;" and that, as so amended, the House concur therein.

On motion of W. F. Sanders, the report was adopted.

On motion of W. F. Sanders, a call of the House was made.

Absent—Mr. Porter.

Mr. Thompson moved that the further call of the House be dispensed with; which motion was lost.

The Sergeant-at-Arms reported Mr. Porter in his seat.

On motion of W. F. Sanders, the further call of the House was dispensed with.

The vote was then taken upon the motion of Mr. Vivion to reject H. B. No. 49, a bill for "An Act to consolidate offices and reduce the fees;" which resulted in:

*Ayes*—Brainard, Chadwick, Dixon, Galen, Hyde, Ives, McElroy, Mood, Porter, Robinson, Robbins, Thompson, Vivion, Word, Mr. Speaker—15.

*Nays*—Batchelder, Davis, Hickman, Howell, Kessler, McCormick, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Witter—11.

And the bill was rejected.

On motion of W. F. Sanders, the rules were suspended and C. R. No. 6 was passed as amended.

On motion of Mr. Witter, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 2d, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. No. 30, "An Act to provide for the compensation of J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for services rendered the territory for printing the Auditor's and Treasurer's reports for the year 1875," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, and Mr. Speaker—23.

*Nay*—Sanders (of Lewis and Clarke).

Absent—Robbins and Word.

Title agreed to.

Mr. Robbins was, on motion of Mr. Vivion, granted leave for the day.

H. B. No. 14, a bill for "An Act re-apportioning the members of the Legislative Assembly," was read the third time and passed.

*Ayes*—Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Lewis and Clarke), Steell, Thompson, and Mr. Speaker—20.

*Nays*—Batchelder, Sanders (of Jefferson), Vivion, and Witter—4.

Absent—Robbins and Word.

The title was agreed to.

H. B. No. 39, "An Act to amend section 147 of the criminal laws," approved January 12th, 1872 (codified statutes), was read the third time and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—25.

*Nays*—None.

Absent—Mr. Robbins.

The title was agreed to.

H. B. No. 40, "An Act defining the boundaries of Chouteau

county." On motion of Mr. Thompson, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Witter, and Mr. Speaker—22.

*Nays*—Davis, Steell, and Word—3.

Absent—Mr. Robbins.

The title was agreed to.

H. J. M. No. 2, to establish a branch mint at Helena, Montana, was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—25.

*Nays*—None.

H. B. No. 16, "An Act relative to the territorial library." On motion of W. F. Sanders, the amendments, as reported by the Committee on Judiciary, were adopted.

The bill was then read for information.

Mr. Word moved that the following amendments be adopted: Strike out the words "clerk of the supreme court," where they occur in lines 1, 2, 7, and 8, in section 6, and insert "Territorial Auditor" in lieu thereof; also strike out all of section 6, after the word "territory," in line 12; which amendment was lost by the following vote:

*Ayes*—Brainard, Davis, Galen, Hickman, Howell, Mood, Steell, Thompson, and Word—9.

*Nays*—Batchelder, Chadwick, Dixon, Ives, Kessler, McCormick, McElroy, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Vivion, and Mr. Speaker—14.

On motion of Mr. Robinson, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

H. B. No. 16, "An Act relative to the territorial library," was taken up, and Mr. Robinson offered the following amendmert: Amend section 2 by inserting after the word "furniture," in line 5, the following: "not to exceed two hundred dollars per annum."

W. F. Sanders moved to amend the amendment by striking out the word "two," and insert the word "three;" which motion prevailed.

The amendment, as amended, was then adopted.

J. G. Sanders offered the following resolution:

*Resolved*, That no member of the House, in debating any question before it, shall be allowed to speak at any one time longer than ten (10) minutes, unless permission shall be given by the House.

W. F. Sanders moved to lay the resolution on the table; which motion was lost.

W. F. Sanders moved to postpone the consideration until 10:30 o'clock to-morrow.

Mr. Hickman objected to the further consideration of the resolution; which objection was sustained.

H. B. No. 16, "An Act relative to the territorial library," was ordered engrossed for a third reading.

On motion of Mr. Chadwick, the House took up H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory."

On motion of W. F. Sanders, the amendments reported by the Committee of the Whole were adopted.

The bill was then ordered engrossed for a third reading.



H. B. No. 26, a bill for "An Act to amend an act to provide for biennial elections in the territory of Montana." On motion of Mr. Batchelder, the amendments, as reported by the committee, were adopted, and the bill ordered engrossed for a third reading.

Substitute for H. B. No. 6, a bill relative to live stock. On motion of Mr. Hickman, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nay*—Mr. Rotwitt—1.

Absent—Mr. Robbins.

The title was agreed to.

H. B. No. 11, "An Act to amend the criminal practice act." On motion of Mr. Chadwick, the substitute reported by the Judiciary Committee was adopted.

On motion of W. F. Sanders, the bill was indefinitely postponed.

H. B. No. 17, "An Act to provide for the taxation of a jury fee in civil cases in the courts of the territory." On motion of Mr. Chadwick, the amendments reported by the Committee on Judiciary were adopted.

Mr. Robinson moved to amend as follows: Amend by adding to section 1 the following: "And the clerk of said courts shall enter judgment in favor of the county therefor, on which execution may issue, and shall be collected as other judgments." Which motion was lost.

On motion of Mr. Vivion, the following amendment was adopted: Add to section 1 the words "and when so paid the clerk of the court shall take duplicate receipts therefor, one of which he shall file with the auditor of the county."

Mr. Robinson moved to amend as follows: Amend by adding to section —, “that nothing in this act shall be so construed as to prevent any judgment creditor from collecting said judgment, less the amount due said county, and he shall not be required to collect said jury fees to enable him to settle said judgment; provided he shall not cancel said judgment to the extent of the interest of said county therein, unless so paid into said treasury, as provided in said act.”

The bill was then ordered engrossed for the third reading.

Mr. Vivion in the chair.

The following message was received from the Council :

COUNCIL CHAMBER, }  
February 2d, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that McAdow introduced C. B. No. 44, “An Act to regulate the election of county commissioners.”

That H. C. R. No. 4, in relation to territorial seal, has been rejected.

That the Council has concurred in House amendments to C. C. R. No. 6, in relation to presiding officers communicating with railroad companies.

The following bills have passed the Council, and are transmitted, to-wit:

H. B. No. 33, “An Act to provide for publishing the reports of the supreme court of the territory,” with amendments.

C. J. M. No. 3, asking for the privilege of electing territorial officers.

C. B. No. 3, “An Act to provide a system of common schools.”

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Vivion in the chair.

On leave, Mr. W. F. Sanders reported as follows, as chairman of the Committee on Internal Improvements:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred H. B. No. 31, a bill for "An Act to aid in the construction of a railroad to Montana," and a proposition to construct a railroad from Franklin, in Idaho, to the mouth of Big Hole river, by Jay Gould and others, for the sum of \$1,500,000, has had the said bill and proposition under consideration. Of the ability of the parties named in said proposition to construct said road, your committee entertains no doubt. Of their purpose to do so if the territory shall grant them reasonable aid, your committee is also convinced. That any other road which will accommodate the people of this territory can be secured so quickly, or so cheaply, your committee have no information, and do not believe. While its members would be pleased if such relief could be secured for a smaller sum than that named, they have no information which would justify them in expecting that such is the case. The bill referred to the committee has been made the basis of the amendments proposed. The committee has varied somewhat the proposition and the original bill, and has instructed me to report that it recommends that all after the enacting clause, in H. B. No. 31, be stricken out, and that the twenty-two sections herewith reported be inserted in lieu of what is so stricken out, and that, as so amended, the bill do pass.

All of which is respectfully submitted.

Section 1. That, for the purpose of securing railroad communication with the several states, the territory of Montana, in the form and manner, and upon the conditions and contingencies hereinafter in this act provided, hereby accepts the proposition of Oliver Ames, E. Atkins, Sidney Dillon, Jay Gould, F. Gordon Dexter, S. Richardson, and Royal M. Bassett, to build a railroad into said territory, made on the 23d day of December, 1876, at New York city; which said offer and proposition is as follows, to-wit:

*To the Honorable Legislative Assembly of Montana Territory:*

We submit to you the following proposition, to-wit:

*First.* That we will undertake, in consideration that such a subsidy as hereinafter named is voted, to build a narrow gauge road of the width of the Utah Northern Railroad, starting at Franklin;

after obtaining a survey of the contemplated route to run the road to Montana, and to terminate at a point in Montana as far north as the mouth of Big Hole river, and said railroad to be completed at the rate of one hundred miles per year from and after the commencement of same.

*Second.* That the said road shall be supplied with all the necessary rolling stock to do and transact the business of the said road as it progresses.

*Third.* That the said road, which will be called the Utah Northern Extension Railroad, and will be constructed as above named, in consideration of your territory granting to the individuals or incorporation building the said road, bonds to an amount of \$1,500,000, basing the entire length of road at three hundred miles, which would be built under and pursuant to this proposition.

*Fourth.* That the amount of bonds to which the said subscribers or corporation shall be entitled, when the whole road is constructed, shall be issued and placed in escrow in the city of New York; but only to be delivered in accordance with the provisions hereinafter contained.

*Fifth.* That said bonds shall draw interest at the rate of 8 per cent currency per annum, payable in New York city semi-annually; provided, that interest shall only be computed from the time of each delivery thereof, to the parties engaged in the construction of said road.

*Sixth.* That the construction of said road shall commence at the said point mentioned—Franklin—and continue towards the said designated terminus; and that from the said place of commencement to the said terminus line in Montana, there shall be delivered and paid over, upon the construction and opening for freight and passengers, of every twenty miles of said railroad from said starting point, the pro rata proportion of bonds—that is to say, \$5,000 per mile.

*Seventh.* The depository of the said bonds shall be in the city of New York, to be fixed and agreed upon by mutual consent of parties in interest, and the work of constructing said road shall be commenced within sixty days after the bonds shall be deposited as above stated. The foregoing proposition is made in good faith and

with the intention of building the said road if the aid asked for is granted by your territory. We are satisfied of our ability to construct the road within the time and in the manner above named.

All of which is most respectfully submitted to your honorable body to act upon.

Dated at New York, this 23d day of December, 1876.

OLIVER AMES.

E. ATKINS.

SIDNEY DILLON.

JAY GOULD.

F. GORDON DEXTER.

S. RICHARDSON.

ROYAL M. BASSETT,

*President U. N. R. R. Co.*

Section 2. That, for the purpose of aiding in the construction of said railroad, to run from Franklin, in the territory of Idaho, to and into the territory of Montana, to a point within five miles of the mouth of the Pipe Stone creek, Jefferson county, and upon the west bank of Jefferson river, the sum of one million and five hundred thousand dollars is hereby contributed by the territory of Montana, to be paid when the coupon bonds of said territory shall become due, which are hereby authorized to be issued in the manner and on the terms provided in this act: *Provided*, That none of said bonds shall be delivered to any corporation, person or persons, for any purpose whatever, except upon the terms and in the manner provided in this act; but this section is subject to the variation contained in section 21 of this act.

Section 3. That such railroad shall be built from said town of Franklin, along and over the nearest and most practicable route to the point named in section 2 of this act, and shall be built of good and substantial material, and of a gauge not less than three feet in width, and not more than four feet eight and one-half inches in width. Such railroad shall be finished from said town of Franklin to the terminus aforesaid, within three years from the first day of July, 1877.

Section 4. The bonds that may be issued under the provisions

of this act, shall be coupon bonds of the territory of Montana, payable at the city of New York, in the state of New York, twenty years from the date of their issue, and at any time within ten years after the date of their issue at the pleasure of said territory. Said bonds shall bear interest at the rate of seven and three-tenths per centum per annum; shall be dated as hereinafter provided, and shall draw interest from the date thereof. There shall be attached to each bond a coupon for each installment of interest thereon, and the interest shall be due and payable on the first day of January of each year, at said city of New York. Each coupon which is due at the time of the delivery of said bond, shall, before the delivery of the bond, be detached therefrom, returned to the Treasurer of the territory, and by him be cancelled and destroyed in the presence of the Governor; and all interest which shall have accrued upon any coupon, but which coupon is not wholly due, shall be endorsed upon such coupon before delivery, or, if the parties named in section 1 of this act prefer, they may pay to the Treasurer of the territory the accrued interest on such coupon, and the same shall be delivered, in that case, without endorsement thereof.

Section 5. Said bonds shall be signed by the Treasurer and Auditor of said Montana territory, and shall be sealed and countersigned by the Secretary of said territory, and when thus issued shall be deposited by the Treasurer of said territory with the Farmers' Loan and Trust Company, in New York city, or such person or persons, company, corporation, or association of persons, as the Governor and Treasurer of Montana, and the persons named in section 1 of this act, who accept of the terms thereof, shall agree upon.

Section 6. The bonds herein provided to be issued by the territory of Montana, shall be procured by the Auditor of said territory, and he shall have the same lithographed or engraved at the lowest possible cost, which shall be paid out of the general fund of said territory, by warrant drawn by said Auditor upon the Territorial Treasurer. Said bonds shall be of the denomination of one thousand dollars each; and five hundred of said bonds shall be dated July 1st, 1877; five hundred of said bonds shall be dated January 1st, 1878; and five hundred of said bonds shall be dated January 1st, 1879.



Section 7. The railroad herein provided for shall be constructed by the corporation or association of individuals undertaking the same, by sections, as follows: The first section to commence at the said town of Franklin and terminate at or near Fort Hall, in the territory of Idaho, and shall be fifty miles in length; and thereafter each section northerly on said road shall be twenty-five miles in length.

Section 8. The corporation or association of individuals who shall accept the terms of this act, and undertake the construction of said railroad, under the provisions hereof, shall not be entitled to receive any of the bonds of said territory herein provided for, until they shall have constructed and placed in good running order, with the full equipment of engines and rolling stock, section number 1 of said road; and when the said corporation or association of individuals undertaking the construction of said line of road shall have completed said section number 1 and equipped the same with sufficient engines and rolling stock, and shall desire to receive a portion of the aid hereby guaranteed, they shall make application for the same to the Governor of the territory in writing, who, upon receiving such written application, shall at once designate three commissioners who shall be citizens of the territory of Montana, disinterested, impartial men, whose duty it shall be to go, at the expense of said railroad corporation, or association of individuals, and examine and measure that portion of said line of railroad which may be completed, and make report in writing to the Governor under oath, of the result of their examinations; and if they shall find, on such examination, that said road, as constructed, complies with the requirements of this act, they shall so state in their report to the Governor. Upon receiving the report of said commissioners made to the Governor, under oath, that the said corporation, or association of individuals, has complied with the provisions of this act, and has completed section number 1 of said road, and equipped the same, as required by this act, the Governor shall immediately thereafter make his order on the Territorial Auditor, directing him to order the person or persons, association, company, or corporation with whom said bonds are deposited for delivery, to deliver to the persons named in section 1 of this act, or the five or more who may accept the same, or their assigns, the amount of said bonds to which

they may be entitled, less any coupons for interest which may be due at the date of such order, and less twenty-five per cent of the amount of said bonds reserved as security; and thereupon the Auditor shall deliver to the Governor such order, who shall deliver the same to the agent or representative of said railroad corporation or association of individuals, or their assigns. The amount shall be ascertained by dividing the said sum of one million five hundred thousand dollars by three hundred and thirty-five, and then multiplying the quotient by the number of miles in said first section. The remaining twenty-five per centum of said amount to be retained on deposit, as hereinafter provided, by said territory, as an assurance of future good faith upon the part of said corporation or association of individuals, and their compliance herewith. Upon presentation to the said Farmers' Loan and Trust Company, or other depository, chosen under section 5 of this act, of the order of the Auditor of the territory aforesaid, endorsed by the Governor, with his approval, the said Farmers' Loan and Trust Company, or other depository, shall detach from said bonds all coupons which were due at the date of said order, and shall endorse upon any coupon not due, but upon which interest had partially accrued at the date of said order, the amount of interest which at the date of said order had accrued, and the amount so endorsed shall be considered as having been paid; or, if the individuals or company building said road shall prefer to pay, and shall pay to such depository, for the benefit of the treasury of Montana, the amount of interest due upon said coupon at the date of said order, the same shall not be endorsed thereon as aforesaid, and thereupon such bonds as are specified in said order shall, less the detached coupons, be delivered to the party entitled thereto. That thereafter, when the said corporation or association of individuals shall have completed the second section of said road, they may apply to the Governor for the aid they are entitled to under this act, and such application shall be made in the manner provided in the preceding section, and commissioners shall be appointed and first make a report, as is above provided. Their duties shall be the same, and their report made in the same manner, and as provided in the preceding section of this act; and thereupon there shall be delivered to the said corporation or persons, or their assigns, in the same manner as heretofore

provided, bonds equal to eighty-five per cent of the amount due for the construction of section number 2 so completed, to be estimated in the same manner provided in the last preceding section. The said territory reserving the remaining fifteen per cent until the completion in the same manner of the said road; and after the completion of the third section of said road, bonds shall be delivered in like manner for the eighty-five per cent of the amount due on the third section of said road, at the same rate as hereinbefore provided; and so on until the road shall be finally completed, when the balance of the amount of bonds due thereon, being twenty-five and fifteen per cent reserve, as above provided, shall be fully paid over to the said company, in the same manner as hereinbefore provided.

The said past due coupons to be detached, and those partially due to be paid, or endorsed, as above provided, and if more bonds shall have been deposited with said Farmers' Loan and Trust Company, or selected depository, than are necessary to pay the aid herein granted, the same shall be returned to the Auditor, and shall by him, in the presence of the Treasurer and Governor, be registered, cancelled, and destroyed by being burned, and report thereof shall be made to the succeeding Legislative Assembly.

Section 9. It shall be the duty of the parties named in section 1 of this act, or five or more of them, to signify to the Governor in writing their acceptance of the proposition herein contained, and of the terms and conditions hereof, and of their acceptance of this agreement, on or before the 25th day of March, A. D. 1877; and unless they shall so do, or unless they, or some of them, before said date, shall, by telegraph or mail, notify the Governor that five or more of the persons named in section 1 of this act, have accepted the aid herein specified, on the terms and conditions herein imposed, it shall be his duty, on the first day of April, 1877, to issue his proclamation to the officers of the various counties and the electors of the territory notifying them of such failure, and if no such notice shall have been sent the Governor, as is in this section provided, no election for the approval or disapproval hereof shall take place, anything in section 15 of this act to the contrary notwithstanding.

Section 10. The county commissioners of the several counties shall, from time to time, levy a special tax, as may be apportioned by the Auditor, in the same manner as other taxes are now levied, sufficient in amount to pay the annual interest that may from time to time accrue upon the bonds so issued, as also to provide for the final payment of said bonds, and the Auditor shall signify in writing to the boards of county commissioners of each of the various organized counties of the territory, the sum of money which such county shall raise therefor, determining the same by reference to the assessed valuation of property therein for the preceding year, and it shall be the duty of such board to levy a sufficient tax to pay the same, which shall be levied and collected as other taxes are collected and levied, and they shall be paid into the territorial treasury.

Section 11. That the bonds reserved by the territory upon the first section of said road, and the other amounts of said bonds reserved from time to time upon the other sections as security for the ultimate completion of said road, according to the terms hereof, shall be deposited with the Farmers' Loan and Trust Company, of New York, or other depository, as the depository and trustee of the territory, to be delivered by said bank, persons, or company, when, under the provisions hereof, said persons or railroad corporation shall be entitled thereto; and at that time, and not before, it shall be the duty of the Auditor of this territory to give said corporation an order therefor, as herein provided; but if said corporation shall, in any particular, fail to do or perform the things herein required, within the time herein limited, it shall not be entitled to have or receive the bonds so deposited, nor any bond not delivered at the time such failure shall take place. The said bonds shall be registered by the Treasurer in a book to be kept by him for that purpose.

Section 12. That nothing herein contained shall prevent the said corporation from building, if they so elect, an independent line of railroad from the town of Ogden, in the territory of Utah, immediately or ultimately, but the provisions of this act shall only apply to such portions of said road as shall be constructed from a point north of an east and west line running through the said

town of Ogden; but if said persons, association, or corporation shall not construct said railroad from Ogden to Franklin, they shall obtain possession of and attach to the road herein provided for, and as a part thereof the Utah Northern Railroad, and the same shall be operated from said northern terminus in Montana to Ogden, as a single road, and with only one rate of freight for each class of freight transported on the entire line of said railroad.

Section 13. The commissioners named in this act shall make their report, and take and subscribe their oath thereto, within the limits of this territory; and if the same is false, they shall be deemed guilty of wilful and corrupt perjury, and shall be punished as is provided by law therefor.

Section 14. That nothing herein contained shall be construed to inhibit the territory from causing *ad valorem* taxes to be levied upon the property of said railroad company within said territory as taxes are levied upon other property in this territory; but all taxes so levied shall be paid by said railroad corporation into the territorial treasury, and no portion thereof shall belong to any county in said territory, anything in the laws now in force to the contrary notwithstanding. And the said taxes shall be set aside and constitute a fund for the payment of the interest and principal upon the bonds authorized to be issued under the provisions of this act, as the same shall become due and payable.

Section 15. The county commissioners of the several counties shall give notice of the election herein provided for, by publication in one or more newspapers published in such county, at least ten days before such election; or, if no newspaper be published therein, the same shall be published in one or more newspapers published in the territory most likely to give general notice; and they shall, at their March session, 1877, or if not then they shall convene forthwith thereafter, and they, or a majority of them, shall cause proper poll books to be distributed and provided for the holding of such election; but the failure of the county commissioners in any county or counties to give said notice, shall not be held to invalidate the said election, but the same is hereby appointed to be held on the 10th day of April, 1877, between the hours of 8 o'clock A. M. and 6 o'clock P. M.; and all general and special laws applicable to the



the conduct of general elections, not inconsistent herewith, shall be applicable thereto.

Section 16. The votes that are cast upon the proposition herein contained, after abstracts of the same shall have been made by the county commissioners of the several counties, and such abstracts shall have been forwarded to the Auditor as aforesaid, shall be canvassed in the same manner that the vote for delegate to Congress is canvassed under the existing laws. Those votes cast which read "North and South Railroad Aid, Yes," shall be held and interpreted to be an approval of this act, and those votes which read "North and South Railroad Aid, No," shall be held and deemed to be a disapproval of this act, and the said votes cast hereon shall be counted and canvassed accordingly.

Section 17. At the election herein provided for, the ballots or votes shall contain the words "*North and South Railroad Aid—Yes,*" or "*North and South Railroad Aid—No,*" and the same rules, regulations, liabilities, and penalties prescribed for the conduct of other elections, and liability of officers thereof and electors within this territory, shall be observed and enforced at the election herein provided for; and the judges at such election shall truly certify and forward the result of such election, together with the poll books and ballots so cast, to the board of county commissioners to the county seat of said county within two days after the same shall have been counted and certified, and the county commissioners shall, within ten days thereafter, forward a correct abstract of the votes cast on said proposition at such election, to the Auditor of the territory; and upon the failure upon the part of any officer or officers herein named to perform the duties prescribed by this act, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine not less than \$5,000 nor exceeding \$10,000, and be imprisoned in the county jail not less than six nor more than ten months.

Section 18. If a majority of the votes cast upon the question hereby submitted shall be in approval of this act, in the manner and form provided in section 17, it shall be the duty of the Governor of the territory to announce such fact by proclamation to be published in one or more newspapers published in the territory,



and thenceforward this act shall be a contract of binding force upon the territory of Montana, and also upon the corporation or association of individuals accepting the same, as herein provided, for the fulfillment of which contract in every particular, on its part, the good faith and credit of the people of Montana territory is pledged.

Section 19. That in case this act shall be ratified and confirmed by the electors of this territory in the manner herein provided for, and the said persons or corporation shall signify their or its acceptance of the terms of this act as herein provided, the said corporation or persons shall construct and fully equip, with all necessary rolling stock, at least one hundred miles of the said road before the first day of January, A. D. 1878, and in case of failure so to do, all rights of such corporation under the provisions of this act shall be deemed and held forfeited, and it shall have no further claim upon this territory for any bonds herein provided for; and if any one year shall thereafter elapse without one hundred additional miles thereof shall be completed and equipped, or if the said road shall not be fully completed to its northern terminus before July 1st, 1880, then and in that case the territory shall be absolved from all liability to deliver said bonds not delivered at the time such failure shall take place, and said times limited shall be deemed of the essence of this contract.

Section 20. Any county or incorporated city desiring to bridge, grade, and furnish ties for a branch of said road, may, by the duly qualified electors thereof, contribute thereto upon the proposition and conditional contract entered into therefor, not exceeding \$2,000 per mile of the distance, which contract shall be made by the city council, if of an incorporated city, and by the board of county commissioners, if of a county, which contracts shall be of no validity unless ratified in the manner provided by such council or board of county commissioners by the electors of said city or county; and the method of such submission shall, as near as may be practicable, be the same as is provided in this act for the submission hereof, and the duties of county and election officers, as is herein provided; and all the laws applicable to general elections shall be as applicable to election officers of an incorporated city, or of a county, on

such elections, as they are to a general election aforesaid, and all the penalties and restrictions thereby imposed shall be applicable to such elections.

Section 21. That the propositions made in the foregoing provisions in this act contained, are made upon the hypothesis and presumption that the distance between the said town of Franklin, and the said terminus, within five miles of the mouth of Pipestone Creek, in Jefferson county, Montana, is three hundred and thirty-five miles; and if the said distance between the two points named in this section shall exceed said distance, then the sum mentioned in section 2 of this act shall be increased in proportion to the increase of said distance by the nearest and most practicable route for said road; and if the distance between the said points shall be less than three hundred and thirty-five miles, then the sum mentioned in section 2 of this act shall be decreased proportionately, and all the provisions of this act shall be interpreted in accordance therewith.

Section 22. That this act shall take effect and be in force from and after its passage.

On motion of Mr. Mayhew, the report was adopted.

Mr. Speaker in the chair.

On motion of W. F. Sanders, the further consideration of the bill was postponed until 2:15 P. M. to-morrow.

Mr. J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 22, entitled "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," beg leave to report the same back to the House correctly engrossed.

On motion of Junius G. Sanders, H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," was taken up, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, Mr. Speaker—21.

Those voting nay were: Davis and Dixon—2.

Absent—Robbins, Sanders (of Lewis and Clarke), and Word—3.

The title was agreed to.

On motion of Mr. Davis, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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## TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 3d, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of W. F. Sanders, H. B. No. 33, "An Act to provide for publishing the reports of the supreme court of the territory," was taken up, and, on motion of W. F. Sanders, the House refused to concur in the Council amendments to said bill, and respectfully ask the Council to recede.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 2d, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. J. M. No. 2, for the establishment of a branch mint at Helena, Montana territory, has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. J. M. No. 2, for establishment of a branch mint at Helena, Montana, was ordered enrolled.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows :

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report House Bill No. 24, "An Act for the relief of F. C. Deimling;" House Joint Memorial No. 1, in relation to restoring a portion of the Crow Indian reservation to the public domain; also, Council Bill No. 16, "An Act to enable the people of Bozeman to erect a school house," have been correctly enrolled.

Report received.

H. B. No. 35, "An Act for the relief of W. F. Wheeler," was taken up, and, on motion of Mr. Chadwick, the amendment reported by the Committee on Ways and Means was adopted; and the bill was ordered engrossed, as amended, for a third reading.

H. B. No. 38, "An Act concerning stallions." On motion of Mr. Mood, the amendments reported by the committee were adopted, and the bill ordered engrossed for a third reading.

C. J. M. No. 2, concerning changes in boundaries of Montana territory—amendments adopted on motion of Mr. McCormick.

C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872. On motion of J. G. Sanders, the amendments were adopted as reported.

C. B. No. 8, "An Act in relation to swine." On motion of Mr. McCormick, the amendments were adopted.

The bill was then read for information.

J. G. Sanders moved to amend section 2 by striking out "one hundred and fifty" and insert "seventy-five" in lieu thereof. Motion lost.

Mr. Sanders (of Jefferson) moved to strike out "and fifty" in section 2; which motion prevailed.

Mr. Thompson offered the following amendment, which was lost: Amend section 1, after the word "November," by adding "shall not include the town of Fort Benton from the 1st day of November to the 1st day of April."

C. B. No. 20, a bill to amend section 10 of "An Act concerning notaries public," approved February 8th, 1876. On motion of Mr. Chadwick, the amendments reported by the Judiciary Committee were adopted.

On motion of Mr. Vivion, the following amendment was adopted: Strike out in the enacting clause the words "Montana territory," and insert in lieu thereof the words "the territory of Montana."

The Speaker announced that he would sign H. B. No. 24, "An Act for the relief of F. C. Deimling;" H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections;" H. B. No. 7, "An Act to repeal an act in relation to administrators and executors;" H. B. No. 23, a bill for "An Act with reference to the exhibit of Montana at the national exhibition;" H. J. R. No. 1, changing the name of the Little Big Horn river to Custer's river; also, C. B. No. 16, "An Act to enable the people of Bozeman to erect a school house."

Mr. Thompson presented the petition of sundry citizens of Chouteau county protesting against the organization of the county of Dearborn; which was read and referred to the Committee on Towns and Counties.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows :

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. B. No. 20, "An Act to protect the treasuries of the counties and of the territory of Montana," beg leave to report the same back to the House with the recommendation that the bill do pass with the amendment accompanying the bill ; as also with the following amendments, recommended by this committee : Insert the following sections after section 5 of bill, and re-number subsequent sections :

Section 6. That each county treasurer shall, at the expiration of each and every quarter, make a settlement with the board of county commissioners of their respective counties, and shall make a quarterly report of all money collected for county and territorial purposes, and shall forthwith transmit such report, together with the amount due the territory, to the Territorial Treasurer.

Section 7. The chairman of the board of county commissioners shall make, or cause to be made by the clerk of the board, a certified statement of each and every quarterly, annual, or final settlement had with said county treasurer, showing the amount collected by said treasurer for territorial purposes, and before the board shall adjourn they shall cause said certified statement to be transmitted to the Territorial Auditor.

Respectfully submitted.

On motion of Mr. Galen, the report was adopted.

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows :

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred H. B. No. 25, "An Act to consolidate the county offices of Meagher county," have had the same under consideration, and offer the following amendment: Strike out "Lewis and Clarke," in section 1, as amended, and insert in lieu thereof "Chouteau," and recommend that the bill do pass as amended.

On motion of Mr. Brainard, the report was adopted by the following vote:



*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—24.

*Nays*—None.

Not voting—Davis, and W. F. Sanders.

The following message was received from the Council :

COUNCIL CHAMBER, }  
February 3d, 1877. }

MR. SPEAKER:—I am instructed by the Council to transmit the accompanying petitions and attached article of Mrs. Swisshelm.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred H. B. No. 43, "An Act to authorize the several counties of this territory to change their county seat on certain conditions," beg leave to report the same back to the House, and recommend the adoption of the following amendments: Strike out in section 1, the following: "at the same time and in the same manner that notice is given for a," and insert in lieu thereof "at least twenty days previous to the next."

Also strike out section 4, and in lieu thereof insert the following:

Section 4. Any person or persons who shall forge any name to the petition mentioned in section 1 of this act, or shall wilfully or maliciously cause to be attached thereto the name of any person not a legal voter of said county, and any county commissioner or officer of election who shall fail or refuse to perform the duties prescribed by this act, or any county officer who shall neglect or refuse to remove his office as in this act provided, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than one hundred nor more than five hundred dollars.

And, as amended, your committee recommend that the bill do pass.

On motion of J. G. Sanders, the report was adopted.

Mr. Hyde also reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred H. B. No. 42, "An Act to create the county of Dearborn," beg leave to report the same back, and recommend that the same do not pass.

Mr. Davis, chairman of the Committee on Elections, reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 28, "An Act to amend section 27 of 'An Act to provide for biennial elections in the territory of Montana,'" find the same remedied in C. B. No. 15, and therefore recommend that it do not pass.

Also, as follows:

MR. SPEAKER:—Your committee to whom was referred C. B. No. 15, "An Act concerning elections," report the same back to the House with amendments, recommending that they be adopted, and the bill pass as amended. Amend by striking out in section 1, after the word "peace," "or any," and insert "and one;" amend section 1 by striking out "on the first day of December next," and insert "after the fifteenth day."

Report adopted.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 46, being a bill for "An Act exempting the wages of employes from attachment," beg leave to report the bill back to the House, with the recommendation that the bill do not pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 23, being "An Act to amend section 4 of an act entitled 'An Act to protect fur-bearing animals and fish in the territory of Montana,'" approved February 5th, 1876, beg leave to report the same back to the House, with the recommendation that the amendments adopted in the House be stricken out, and that the original bill do pass.

On motion of W. F. Sanders, the report was adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 28, being "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein," beg leave to report the same back to the House, with the recommendation that section 1, adopted by the House as an amendment to the bill, be amended as follows:

Amend section 1 by striking out the words "house, room, or place of resort," where they occur in lines 2 and 3 of the amendment, and insert in lieu thereof the words "place of business, or room, or place where card-playing is usually permitted and practiced."

Also, amend by striking out in line 15 in section 1, the word "fifty," and insert in lieu thereof the word "ten;" and that, as so amended, the bill do pass.

Report adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was recommitted C. B. No. 14, being a bill for "An Act to give the poor man the same rights as the rich man in all courts of justice," beg leave to report the bill back to the House, with the recommendation heretofore made, that the bill do not pass.

Report adopted.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report H. J. R. No. 1; H. B. No. 7, "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6, 1873; H. B. No. 13, "An Act to amend section 31 of an act to provide for biennial elections in the territory of Montana;" also, H. B. No. 23, a bill for "An Act with reference to the exhibit of Montana at the national exhibition;" H. B. No. 24, "An Act for the relief of F. C. Deimling;" C. B. No. 16, "An Act to enable the people of Bozeman to erect a school house," were handed to the Governor at 11:35 A. M., February 3d, 1877.

J. G. Sanders, chairman of the Committee on Engrossment, reported H. B. No. 16, "An Act relative to the territorial library," correctly engrossed.

Notices of the introduction of bills were given:

By Mr. Kessler—H. J. R. for the relief of Kerley, McQuaid, and Lacroix.

Also, "An Act concerning the county poor."

By Mr. Thompson—"An Act defining the boundary lines of Dawson county."

By Robinson—A bill relating to executors and administrators, and probate law and practice.

Also, a bill to amend an act relating to common schools.

Also, a bill in relation to fees of sheriffs and justices of the peace.

By Mr. Thompson—"An Act concerning dogs."

By J. G. Sanders—"An Act relating to printing."

By Mr. Hyde—A bill to prevent trespass.

Bills were introduced as follows:

By Mr. Robinson—H. B. No. 50, "An Act relating to civil actions in certain cases."

By Mr. Ives—H. B. No. 51, "An Act to provide means to increase the sinking fund of Missoula county."

Also, H. B. No. 52, "An Act to amend an act entitled 'An Act to provide for the payment of the indebtedness of Missoula county,'" approved January 24th, 1876.

By W. F. Sanders—H. J. R. No. 2, authorizing the Governor to enter into a contract with Sister Josephine for the support of the insane.

On motion of J. G. Sanders, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—members all present.

The following message was received from the Council :

COUNCIL CHAMBER, }  
February 3d, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that notices were given as follows:

By Allebaugh—Of a bill for "An Act to prohibit betting on elections in the territory of Montana."

By Brown—"An Act to amend section 306 of the criminal practice act of Montana territory," approved January 12th, 1872.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

The petition transmitted from the Council referring to a Sunday law, was taken up and read.

J. G. Sanders moved that it be referred to the Committee on Indian Affairs.

W. F. Sanders moved to amend by inserting the Committee on "Education and Labor," instead of "Indian Affairs;" which motion prevailed, and the petition was so referred.

On motion of W. J. McCormick, H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," with the amendments, was made the special order for 10:30 o'clock on Monday, the 5th inst.

C. B. No. 3, "An Act to provide a system of common schools," was read the first and second times, and referred to the Committee on Education and Labor.

C. J. M. No. 3, asking for the privilege of electing territorial officers, was read first and second times, and Mr. McCormick moved that the rules be suspended, and the memorial be read the third time; which motion was lost.

The memorial was then referred to the Committee on Federal Relations.

H. B. No. 18, a bill for "An Act in relation to the duties of county commissioners of Gallatin county," was, on motion of Mr. Vivion, referred, with the Council amendments, to a select committee composed of the members from Gallatin and Jefferson and Gallatin counties.

H. B. No. 16, "An Act relative to the territorial library," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Galen, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, and Mr. Speaker—19.

*Nays*—Davis, Hickman, Steell, and Word—4.

Absent—Dixon, Howell, and Witter.

The title was agreed to.

On motion of W. F. Sanders, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*



## TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 5th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of Saturday read, corrected, and approved.

The following communication was received from the Secretary:

OFFICE OF THE SECRETARY OF MONTANA, }  
HELENA, February 3d, 1877. }

*To the Honorable Speaker of the House of Representatives:*

SIR:—Please inform the members of the House, that, in consideration of the fact, and in obedience to my instructions from the Secretary of the Treasury of the United States, that the fund appropriated for miscellaneous and incidental printing for the Tenth Legislative Assembly, is nearly exhausted, I will not be able to print any bills for either House after Saturday next, February 10th, 1877.

I have the honor to be, very respectfully,

Your obedient servant,

J. E. CALLAWAY, *Secretary*.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 3d, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that C. B. No. 38, "An Act to authorize the county commissioners of Gallatin county to issue bonds for the purpose of constructing a public highway;" also, C. B. No. 17, to amend sec-

tion 286, chapter 12, of the criminal practice act, approved January 12, 1872 (codified statutes, page 234), have passed the Council.

That the Council have adhered to their amendments to H. B. No. 33, "An Act to provide for publishing the reports of the supreme court of the territory."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of W. F. Sanders, the resolution confining each member to 10 minutes in debate was postponed until Thursday, the 8th inst., at 2 o'clock P. M.

H. J. R. No. 2, authorizing the Governor to contract for the support and maintenance of the insane, was read the first and second times, and referred to the Committee on Ways and Means.

The hour having arrived at which H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," was made the special order, Mr. Robinson moved that the bill with the whole railroad matter be referred to a select committee of one from each county; which motion was lost.

On motion of Mr. Vivion, the bill, with the amendments, was made the special order, to be considered in Committee of Whole at 2:10 o'clock this P. M.

H. B. No. 50, "An Act relating to civil actions in certain cases," read first and second times.

On motion of Mr. Hyde, the following amendment was adopted: Amend by striking out the words "or cigars."

The bill, as amended, was then referred to the Judiciary Committee.

The following communication was received from the Secretary:

OFFICE OF THE SECRETARY OF MONTANA, }  
February 4th, 1877.

*To the Honorable Legislative Assembly of the Territory of Montana:*

GENTLEMEN:—The undersigned, the Secretary of the territory of Montana, respectfully represents to your honorable body, that on

the 27th day of January, A. D. 1871, he was commissioned and duly qualified as such officer; that soon thereafter he assumed the duties of said office, and since that time has been subject to all the obligations and duties, and has had, and now has, a lawful right to exercise and enjoy all of the functions, prerogatives, and privileges belonging and pertaining to said office; that when he assumed the duties of said office he received from his predecessor (together with other property) the seal of the territory of Montana, which said seal now is, and ever since the same came into the possession of the undersigned has been, in the possession and under the exclusive control of the undersigned, and that he now is, and ever since he has been in the discharge of the duties of said office, responsible for said territorial seal as its custodian; that ever since he has been in the possession of said seal the same has been recognized and used in the executive department of the territory of Montana as the great seal of said territory, until within the period of a few months last past; that within a few days last past, the undersigned has been informed that there is in existence in the territory of Montana a counterfeit of said territorial seal; and, further, that such counterfeit seal is in the possession of, and has oftentimes been used, within a few months last past, by an officer of this territory; that the following is an extract of an article that appeared in the editorial columns of the *Daily Independent*, published at Helena, Montana, and issued on the 4th inst., and touching the subject of forged seals:

“As near as we can ascertain, there are two seals in existence. One is in the office of Secretary Callaway, and the other in the office of Governor Potts. But why has Mr. Callaway a seal, and where does he obtain his authority for getting and using one? Is the seal that he uses on public documents genuine? Is it in compliance with the law? The seal that Governor Potts uses is in strict compliance with the law of the territory, while the one used by Secretary Callaway is not.”

Also, the following extract from said newspaper of the same date:

“When the territorial bonds were issued, the Governor applied to Secretary Callaway for the seal in his possession, but the latter said he was entitled to the custody of the seal, and refused to let the Governor use it.”

Inasmuch as that said extracts have appeared in public print and in the official and personal organ of the executive of the territory, the undersigned respectfully asks that the Judiciary Committee of each House of the Legislature do constitute a joint committee (or that another proper committee be appointed) at once to inquire and report, both as to the law and matters of fact in the premises, for the action of the Legislative Assembly. It is covertly insinuated in said article, that the territorial seal "in the office of Secretary Callaway" is a counterfeit and does not comply with the law. If it is a *fact* that there is a counterfeit seal of the territory in existence within the territory, such fact should be known, and a proper remedy applied to destroy such counterfeit seal. Also, it is susceptible of proof that bonds of this territory have been issued within the past eight months, bearing the impress of a counterfeit seal, to the amount of \$90,000, and that commissions have been issued to officers within this territory, within said period, bearing the impress of such counterfeit seal. It is respectfully submitted whether such bonds or commissions are valid at law? Should not the Legislature take the necessary steps to protect the credit of the territory, and see that the interests of the people are not put in jeopardy by the acts of its officers who hold illegal commissions? The question whether the charges and confessions in said newspaper article contained are true or false, the Legislature should investigate, and the public be advised. The amplest proof is at hand to settle all the questions raised and suggested in this paper, and further, that, as an act of justice to an officer and citizen of this territory, and one of sacred duty to the people, the most searching investigation in the premises should be had without delay.

Most respectfully submitted.

JAMES E. CALLAWAY,  
*Secretary of Montana.*

Mr. Sanders (of Lewis and Clarke) offered the following resolution:

*Resolved*, That the communication of the Secretary this day received, be referred to the Judiciary Committee of this House; that such committee have power to send for persons and papers, and have the compulsory process of this House therefor, and that such

committee report if there are two seals, if both or either are genuine, and if only one, which, and who has the same, and what legislation, if any, is necessary to protect the territory against the use of a seal not genuine.

On motion of Mr. Word, the further consideration of said resolution and the communication of the Secretary was postponed until 10:30 o'clock A. M. to-morrow.

H. B. No. 51, "An Act to provide means to increase the sinking fund of Missoula county," was read first and second times, and, on motion of Mr. Vivion, the bill was referred to a select committee composed of the members of Missoula county.

H. B. No. 52, "An Act to amend an act entitled 'An Act to provide for the payment of the indebtedness of Missoula county,'" approved January 24th, 1876, read first and second times, and, on motion of Mr. Word, was referred to a select committee of three, composed of the members from Missoula county.

H. J. R. No. 3, for the relief of Kerley, McQuaid, and Lacroix, read first time.

Mr. W. F. Sanders moved to reject the resolution; which motion was lost.

The resolution was then read the second time, and referred to the Committee on Ways and Means.

J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. B. No. 1, entitled "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory;" also, H. B. No. 17, entitled "An Act to provide for the taxation of a jury fee in civil cases in courts of this territory;" also, H. B. No. 26, entitled "An Act to amend an act to provide for biennial elections in the territory of Montana," beg leave to report that they have examined said bills, and report the same back to the House correctly engrossed.

Report received.

On motion of Mr. Chadwick, the rules were suspended, and H. B. No. 1, "An Act to establish and maintain an insane asylum, and otherwise provide for the insane of the territory," was read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Hickman, Kessler, Porter, Rotwitt, Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Mr. Speaker—14.

*Nays*—Galen, Howell, Hyde, Ives, McCormick, McElroy, Mood, Robinson, Robbins, Sanders (of Jefferson), Vivion, and Word—12.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 5th, 1877. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body that bills were introduced as follows:

By Brown—C. B. No. 45, "An Act to amend section 306 of the criminal practice act of Montana territory," approved January 12th, 1872.

By Allebaugh—C. B. No. 46, "An Act to prohibit betting on elections in the territory of Montana."

That C. B. No. 44, "An Act to regulate the election of county commissioners," was read third time, and passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Rotwitt moved to reconsider the vote by which H. B. No. 1 was passed.

On motion of Mr. Robinson, the motion was laid on the table.

H. B. No. 17, "An Act to provide for the taxation of a jury fee in civil cases in the courts of the territory," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter,



Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nay*—Mr. Robinson—1.

Not voting—Mr. Dixon.

The title was agreed to.

On leave, Mr. W. F. Sanders introduced H. B. No. 53, "An Act concerning corporations."

Mr. Vivion, chairman of a select committee, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred Council amendments to substitute for H. B. No. 18, "An Act defining the powers and duties of the board of county commissioners of Gallatin county in certain cases," have had the same under consideration, and report the same back with the recommendation that the House concur in said amendments.

Respectfully submitted.

On motion of Mr. Vivion, the report was adopted.

On motion of Mr. Chadwick, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—members all present.

Mr. Sanders (of Jefferson), chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 35, entitled "An Act for the relief of W. F. Wheeler;" also, H. B. No. 38, entitled "An Act concerning stallions," beg leave to report that they have examined said bills, and report the same back to the House correctly engrossed.

Report received.

On motion of Mr. Vivion, the House concurred in Council amendments to H. B. No. 18, a bill for "An Act relative to the powers and duties of county commissioners."

The bill was then ordered enrolled.

H. B. No. 33, "An Act to provide for publishing the reports of the supreme court," was taken up, and, on motion of Mr. W. F. Sanders, a committee of three was appointed to confer with a like committee from the Council, and that the Council be respectfully requested to appoint said committee.

Messrs. Sanders (of Lewis and Clarke), Word, and Robinson were appointed such committee on the part of the House.

H. B. No. 26, a bill for "An Act to amend an act to provide for biennial elections in the territory of Montana," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Mr. Speaker—21.

*Nays*—Robinson, Vivion, Word—3.

Absent—Ives and Witter.

The title was agreed to.

On motion of Mr. McCormick, a call of the House was ordered.

Absent—Messrs. Ives and Witter.

The Sergeant-at-Arms reported the absentees in their seats.

On motion of Mr. Sanders (of Lewis and Clarke), a further call of the House was dispensed with.

On motion of Mr. Word, the House resolved itself into Committee of the Whole to consider H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," with the amendments—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 5th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have appointed Messrs. Cullen, Watson, and Ford as a committee of conference, on the part of the Council, on H. B. No. 33, "An Act to provide for publishing the reports of the supreme court."

That C. B. No. 47, a bill for "An Act to establish names to certain streams in Deer Lodge county," has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Robinson, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

### THIRTIETH DAY.

HOUSE OF REPRESENTATIVES, }  
February 6th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—members all present.

Journal of yesterday read and approved.

The Speaker presented a petition from citizens of Deer Lodge on the proposition of Jay Gould & Co., remonstrating against said pro-

position; which was read and referred to the Committee on Internal Improvements.

On motion of Mr. Word, the House resolved itself into Committee of the Whole to further consider H. B. No. 31, "An Act to aid in the construction of a railroad to Montana"—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

On motion of Mr. Hyde, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—members all present.

The following messages were received from the Council:

COUNCIL CHAMBER, }  
February 5th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876, has passed the Council.

That C. B. No. 13, "An Act to prohibit the traffic in intoxicating liquors on Sundays," has been indefinitely postponed.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
February 6th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following notices were given:

By Ford—"An Act to secure to the people of Montana terri-

tory a railroad from Fort Benton, Montana territory, to Franklin or Ogden, Utah."

By Brown—"An Act to tax dogs."

That substitute for H. B. No. 6, "An Act in relation to live stock," has passed the Council, with amendments, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876, was ordered enrolled.

On motion of Mr. Word, H. B. No. 6, "An Act relative to live stock," was taken up, and, on motion of Mr. Word, the House concurred in the Council amendments, and the bill was ordered enrolled.

H. B. No. 20, "An Act to protect the treasuries of the counties and of the territory," was taken up, and, on motion of Mr. Hickman, the amendments reported by the Committee on Ways and Means were adopted, and the bill ordered engrossed for the third reading.

On motion of Mr. Word, the House resolved itself into Committee of the Whole to further consider H. B. No. 31, "An Act to aid in the construction of a railroad to Montana"—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 6th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have passed the Council:

H. B. No. 16, "An Act relative to the territorial library."

Also, H. B. No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of territorial convicts in the United States penitentiary at Deer Lodge."

Also, H. B. No. 39, "An Act to amend section 147 of the criminal laws," approved January 12th, 1872 (codified statutes).

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 16, "An Act relative to the territorial library;" H. B. No. 39, "An Act to amend section 147 of the criminal laws," approved January 12th, 1872 (codified statutes), were ordered enrolled.

On motion of Mr. Word, the Chief Clerk was instructed to request the Council to inform the House if the amendments attached to H. B. No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of territorial convicts in the United States penitentiary at Deer Lodge," were adopted by the Council.

On motion of Mr. Brainard, H. B. No. 25, "An Act to consolidate the offices of Meagher county," was taken up, and, on motion of Mr. Brainard, the amendment to the amendment, as reported by the Committee on Towns and Counties, was adopted by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, McCormick, McElroy, Mood, Robinson, Robbins, Thompson, Vivion, Word, Mr. Speaker—17.

*Nays*—Davis, Ives, Kessler, Rotwitt, J. G. Sanders, W. F. Sanders, Steell, Witter—8.

Absent—Mr. Porter.

Mr. McCormick moved that the following amendment be adopted: Add to section 5, "the provisions of this act shall take effect and be in force in the county of Missoula from and after its passage;" which motion was lost by the following vote:

*Ayes*—Batchelder, McCormick, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Witter—7.

*Nays*—Brainard, Chadwick, Dixon, Galen, Howell, Hyde, Ives, Kessler, McElroy, Mood, Rotwitt, Robbins, Thompson, Vivion, Word, Mr. Speaker—16.



Absent—Davis, Hickman, and Porter.

The bill was then adopted as amended, and ordered engrossed for a third reading.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report H. J. M. No. 2, for the establishment of a branch mint at Helena, Montana, correctly enrolled.

Report received.

On motion of Mr. Word, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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### THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }  
February 7th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. No. 21, "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1872, and H. B. No. 30, "An Act to provide for the compensation of Kerley, McQuaid, and Lacroix," were ordered enrolled.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 7th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have passed the Council, and are herewith transmitted:

H. B. No. 21, "An Act to amend an act in relation to brands and marks."

C. B. No. 43, "An Act to create a good time law for the convicts of the territorial penitentiary."

C. B. No. 32, "An Act for the government of unorganized counties."

H. B. No. 30, a bill for "An Act to provide for compensation of J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for printing."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Word, the House resolved itself into Committee of the Whole, to further consider H. B. No. 31, "An Act to aid in the construction of a railroad to Montana"—Mr. Word in the chair.

The House resumed—Mr. Speaker in the chair.

On motion of Mr. Witter, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—members all present.

Mr. Word, chairman of the Committee of the Whole, reported as follows, to-wit:

MR. SPEAKER:—Your Committee of the Whole, to whom was referred H. B. No. 31, "An Act to aid in the construction of a

railroad to Montana," with the amendments reported from the Committee on Internal Improvements, beg leave to report that it has had the same under consideration, and herewith reports back to the House the original bill and amendments thereto, reported from the Committee on Internal Improvements, with the recommendation that the House adopt the amendments to said bill reported from the Committee on Internal Improvements, with the following amendments thereto, reference being had to sections and lines as they appear in printed copy of amendments reported from said committee:

Add to section 1, "but subject to the variations in this act provided."

Amend line 7, section 2, of amendments, by inserting after the word "river," the words "and to the town of Helena, in the county of Lewis and Clarke;" amend line 8 of section 2, by striking out the word "five," and insert the word "seven" in lieu thereof.

Amend line 3 in section 3, by inserting after the word "route," the words "to a point within five miles of Pipestone creek, in the county of Jefferson, on the west side of Jefferson river, within three years from the first day of July, A. D. 1877;" also, strike out the word and figures at end of section 3, to-wit: "July, 1877," and insert in lieu thereof "January, 1878."

Amend line 12, section 6, by inserting after the figures "1878," tee following: "two hundred of said bonds shall be dated July 1st, 1878."

Amend line 60, section 8, by striking out the word "five," and inserting in lieu thereof the words "seven;" amend lines 60 and 61 of section 8, by striking out the words "three hundred and thirty-five," and inserting in lieu thereof the words "four hundred;" amend line 99 of section 8, by striking out the words "the preceding," and insert the word "this;" also, amend line 103, section 8, by striking out the words "the preceding," and insert in lieu thereof the word "this;" strike out of line 104, section 8, the words "of this act;" amend line 111, section 8, by striking out the words "the last preceding," and inserting in lieu thereof the word "this."

Amend line 8, section 10, by inserting after the word "bonds,"

at end of line 8, the words "less any sum which may be in the territorial treasury, applicable to such purposes."

Amend line 9, section 12, of printed amendments, by striking out the word "Ogden," and insert in lieu thereof the word "Franklin."

Add to section 12 the following: "The parties named in section 1 of this act, or any five of them, may, for the purpose of constructing said road, organize themselves into a body corporate under any law of the United States thereto authorizing them, or they may sign and acknowledge the certificate required by section 1 of an act of the Legislative Assembly of the territory of Montana, entitled 'An Act to provide for the formation of railroad corporations in the territory of Montana' (passed in 1873), before any officer in said act mentioned, or before any person in any other state or territory of the United States, commissioned by the laws of this territory as a commissioner of deeds in such state or territory; and upon filing the same, as is in said act provided, said corporation shall be a body corporate thereunder, and may proceed to construct and operate said road."

Add to section 14, after printed word "payable," the following: "The taxes upon said road shall be *ad valorem* taxes, and they shall be assessed and levied by the same officers as other taxes are by law levied and assessed, but they shall be kept separate and distinct from the other taxes, and shall be reported by the county treasurers of the several counties in which such property of said road may be situated to the Treasurer of the territory, and shall be paid into the territorial treasury."

Amend section 14 by adding to the last amendment the following: "That the said persons, company, or corporation receiving the aid herein granted shall make monthly reports of all ores and bullion transported on said road, and the names of the consignors thereof, and the number of passengers transported thereover, and the gross receipts arising from such ore, bullion, and passenger traffic, and shall, in the succeeding month, pay into the territorial treasury one-twelfth of the gross receipts arising from the transportation of said ores and bullion, and one-twenty-fifth of the gross proceeds received from such passenger traffic, and the same shall be set aside to pay the interest on the bonds herein authorized to be issued, and

to constitute a sinking fund for the ultimate payment of said bonds."

Substitute the following for section 21:

"Section 21. That the proposition made in the foregoing provisions in this act contained, are made upon the hypothesis and presumption that the distance between the said town of Franklin, to a point within five miles of the mouth of Pipestone Creek aforesaid, and to the said town of Helena, by the most direct and practicable route, is four hundred miles; and if the said distance between the points named, by the most direct and practicable route, exceeds the said distance, then the parties named in section 1 of this act shall not be required to build the said road beyond a point which shall be four hundred miles from Franklin towards the town of Helena aforesaid, by the most direct and practicable route; and if the distance between the points aforesaid shall be less than four hundred miles, then the sum mentioned in section 2 of this act shall be decreased proportionally; and all of the provisions of this act shall be interpreted in accordance herewith. But in no case shall any territorial aid be granted to exceed the sum of one million seven hundred thousand dollars."

Amend line 4, section 18, by inserting after the word "section," and before the figures "17," the words "16 and."

Strike out of line 20, section 19, the word and figures "July 1, 1880," and insert in lieu thereof the following: "January 1, 1881."

Add the following section to the bill:

"Section 22. This act shall take effect and be in force from and after its passage."

On motion of Mr. Sanders (of Lewis and Clarke), the report was adopted.

H. B. No. 35, "An Act for the relief of W. F. Wheeler," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Word, Mr. Speaker—24.

*Nays*—None.

Absent—Sanders (of Jefferson) and Witter.

The title was agreed to.

On motion of Mr. Davis, the rules were suspended, and H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," was taken up and further considered, and, on motion of Mr. Chadwick, the following amendment was adopted: I move to amend the amendments reported from the Committee of the Whole by striking out the words "four hundred," wherever they occur, and insert in lieu thereof the words "three hundred and eighty."

On motion of Mr. Rotwitt, the following amendment was adopted: I move to amend by striking out all after the word "of," in line 11, section 3, and inserting "January, 1878," instead.

On motion of Mr. Word, the amendments reported by the Committees of the Whole, Internal Improvements, and the amendments offered in the House, were adopted, and the bill adopted as amended, and ordered engrossed for the third reading.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 7th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 48, "An Act in relation to the territorial seal," has passed the Council, and is herewith transmitted.

Also, that H. B. No. 26, "An Act to amend an act to provide for biennial elections in the territory of Montana," was lost in the Council, and is transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 38, "An Act concerning stallions," was read for information, and recommitted to the Committee on Grazing and Stock Growing.

Mr. Sanders (of Jefferson), chairman of the Committee on En-grossment, reported as follows:



MR. SPEAKER:—Your committee to whom was referred H. B. No. 25, beg leave to report that they have examined said bill, and report the same back to the House correctly engrossed.

Also, as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 20, entitled "An Act to protect the treasuries of the counties, and of the territory of Montana," beg leave to report that they have examined said bill, and report the same back correctly engrossed.

H. B. No. 20, "An Act to protect the treasuries of the counties and of the territory of Montana," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Davis, Dixon, Galen, Hickman, Howell, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter—21.

*Nays*—Mr. Chadwick and Mr. Speaker—2.

Absent—Messrs. Hyde, Ives, and Word.

The title was agreed to.

C. B. No. 8, "An Act in relation to swine," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Howell, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Vivion, Word, Mr. Speaker—21.

*Nays*—Sanders (of Lewis and Clarke) and Witter—2.

Absent—Hickman, Hyde, and Ives.

The title was agreed to.

C. B. No. 20, "An Act to amend section 10 of an act concerning notaries public," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson, Vivion—19.

*Nays*—Robinson, Sanders (of Jefferson), Witter, Word, and Mr. Speaker—5.

Absent—Hyde and McCormick.

The title was agreed to.

C. B. No. 34, "An Act to increase the compensation of grand and trial jurors in the district court in the county of Deer Lodge, in the territory of Montana," was read for information.

On motion of Mr. Porter, a call of the House was ordered.

Roll called—Mr. Hyde absent.

On motion of W. F. Sanders, the further call of the House was dispensed with.

On motion of W. F. Sanders, the bill was laid on the table for further consideration.

C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872, was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Mr. Speaker—22.

*Nays*—J. G. Sanders and Word—2.

Absent—Hyde and McCormick.

On motion of W. F. Sanders, the title of the bill was amended as follows: Strike out "chapter 94, codified statutes Montana territory," in title, and insert in lieu thereof the words "of an act entitled 'An Act concerning county warrants, and for other purposes.'"

And, as amended, the title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 7th, 1877. }

MR. SPEAKER:—I am instructed to transmit the following copies of telegraphic communications for the information of the House.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

HELENA, January 30th, 1877.

*Geo. Stark, V. P. N. P. R. R., New York:*

Bill provides: commence at mouth of Big Horn or above; run 300 miles westerly; subsidy direct gift—five thousand dollars per mile in 7 per cent 25-year bonds, interest annually, payable as follows: On completion of each twenty of first hundred miles \$60,000, and \$100,000 on completion of first hundred miles; on completion of each twenty of second hundred miles \$60,000, and \$150,000 on completion of second hundred; on completion of each twenty miles of third hundred \$100,000, and on completion of third hundred miles \$150,000. Must accept by 1st of June, 1877; commence work August 15th, 1877; complete August 15th, 1880.

W. E. BASS.

NEW YORK, January 31st, 1877.

*W. E. Bass, President of Council:*

Executive committee meet next Tuesday; will communicate their action.

GEO. STARK, *Vice President.*

NEW YORK, February 6th, 1877.

*W. E. Bass, President of Council:*

The executive committee of the Northern Pacific Railroad, now in session, agrees to the proposed bill in aid of construction of three hundred miles of road, from mouth of Big Horn west, as stated in your synopsis telegraphed to me January 30th, with following modifications: All the bonds for the three hundred miles to be placed in escrow in New York or some other eastern city, before the commencement of work, and to be delivered as the work progresses, in

accordance with provisions of the bill; interest to be payable in in city of New York, semi-annually, computing from time of each delivery; the work of construction to be commenced within sixty days after the bonds are deposited, but not earlier than August 15th, next.

GEO. STARK,  
*Vice President Northern Pacific R. R.*

On motion of Mr. Word, the telegrams were referred to the Committee on Internal Improvements.

On motion of Mr. Brainard, H. B. No. 25, "An Act to consolidate offices in Meagher county," was recommitted to the Committee on Towns and Counties.

C. J. M. No. 2, changing the boundaries of Montana territory, was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—24.

*Nays*—None.

Absent—Hyde and Robbins.

The title was agreed to.

On motion of W. F. Sanders, the communication of Secretary Callaway was made the special order for 2 o'clock P. M., February 8th.

Mr. McCormick in the chair.

On motion of W. F. Sanders, H. B. No. 53, "An Act concerning corporations," was taken up. Read first time.

Mr. Robinson moved to reject the bill; which motion was lost.

The bill was then read the second time; and, on motion of Mr. Sanders, section 5 was amended as follows:

Strike out of section 5, in lines 12, 13, 14, and 15, "all elections shall be by ballot," and all down to and including the words "greatest number," and insert in lieu thereof the following, to-wit: "All the trustees shall be chosen at one time, and by a general ticket. At such elections for trustees, each stockholder shall have as many votes as the number of shares of stock held by him, multiplied by the number of trustees to be chosen, and may cast all his votes for one candidate or distribute them as he may see fit, and the persons having the greatest number."

The bill was then referred to the Committee on Judiciary.

On motion of Mr. Word, the House took a recess until 7:30 o'clock P. M.

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7:30 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Kessler and Robinson.

Messrs. Kessler and Robinson were granted leave for the evening.

H. B. No. 28, "An Act to amend section 27 of 'An Act to provide for biennial elections,'" was, on motion of W. F. Sanders, laid on the table.

H. B. No. 42, "An Act to create the county of Dearborn," was, on motion of W. F. Sanders, laid on the table.

H. B. No. 43, "An Act to authorize the several counties of this territory to change their county seats on certain conditions." On motion of J. G. Sanders, the amendments offered by the Committee on Towns and Counties were adopted, and the bill adopted as amended, and ordered engrossed, as amended, for a third reading.

H. B. No. 46, a bill to exempt the wages of employes from attachment, was, on motion of Mr. McElroy, laid on the table.

C. B. No. 15, "An Act concerning elections," was taken up, and, on motion of W. F. Sanders, the amendments reported by the committee were adopted.

C. B. No. 23, "An Act to amend section 4 of an act entitled 'An Act to protect game, fur-bearing animals, and fish in the territory of Montana.'" J. G. Sanders offered the following amendment:

Amend section 1 by inserting between the figure "4" and word "of," in line 1, the words "and eight."

Insert the following as section 3:

Section 3. That a fishing tackle, consisting of a rod or pole, line and hook, or spear, shall be the only lawful way that fish can be taken in any of the streams of this territory. It shall, however, be lawful to use a seine in the Missouri and Jefferson rivers, and in the Beaver Head up to Beaver Head rock, and in North Boulder Creek twenty-five miles above its mouth.

Re-number section 3 as section 4, and section 4 as section 5.

W. F. Sanders offered the following amendment: Insert after the word "year," in line 7 of section —, the following: "or shall hereafter hunt or chase with dogs any elk, deer, antelope, or mountain sheep."

On motion of Mr. Davis, the bill, with the amendments proposed, was recommitted to the Committee on Judiciary.

C. B. No. 14, "An Act to give the poor man the same rights as the rich man in all courts of justice," was, on motion of W. F. Sanders, laid on the table.

C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein." On motion of W. F. Sanders, the amendments of the Judiciary Committee to House amendments were adopted.

Mr. Word moved to adjourn; which motion was lost.



Mr. Robbins presented a petition from citizens of Jefferson county, which was read and referred to a select committee composed of the members from Jefferson and Gallatin, and the joint member from Jefferson and Gallatin counties.

Mr. Davis presented a petition from the barbers of Helena, which was read and referred to the Committee on Education and Labor, with instructions to report a bill in compliance with the petition.

Mr. Word moved to adjourn; which motion was lost.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 30, being a bill for "An Act to provide against accidents in case of fire," beg leave to report that it has had the same under consideration, and recommend the following amendments:

Amend section 2 of the bill so the same shall read as follows:

"Section 2. All such buildings now erected that are not constructed as provided in section 1, shall, within one year after the passage of this act, be so altered as to comply with its provisions."

Also, amend section 3 of the bill so that the same will read as follows:

"Section 3. All persons constructing, owning, controlling, or in custody of any building which shall be hereafter erected, and which is mentioned in section 1 of this act, and not constructed in accordance with the provisions thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred, and such building or buildings shall be closed by the court until the doors thereof shall be made to conform to the provisions of this act."

Also, amend by striking out section 4 of the bill, and substitute in lieu thereof the following:

"Section 4. That all persons owning, controlling, or in custody of any building in this territory, described in section 1 of this act,

who shall fail to comply with the provisions of section 2 of this act, shall be guilty of a misdemeanor, and, on conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not more than ten dollars, and such building shall be closed by the court until the doors thereof shall be made to conform to the provisions of this act."

On motion of W. F. Sanders. the bill, with the report, was re-committed to the Committee on Judiciary.

Mr. Chadwick also reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 32, being "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of the territory of Montana, in relation to attachments, and to repeal section 146 of said act," beg leave to report the same back to the House, with the recommendation that the same do not pass.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 27, being "An Act in relation to competency of witnesses," beg leave to report the same back to the House, with the recommendation that it do not pass.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 27, being "An Act to amend section 138 of an act to amend an act to regulate proceedings in civil cases in courts of justice of the territory of Montana," approved February 13th, 1874, beg leave to report the same back to the House, with the recommendation that the same do not pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 47, being "An Act defining the relations of

Big Horn and Dawson to the counties of Gallatin and Meagher," beg leave to report the same back to the House, with the recommendation that the same do not pass.

Your committee instruct me to further report that some legislation is necessary upon the subject to which this bill relates, and that a bill relative thereto will be introduced by your committee at an early day.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 45, being a bill for "An Act to amend section 69 of the criminal practice act," approved January 12th, 1872, beg leave to report that it has had the same under consideration, and report the same back to the House, with the recommendation that it do pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 22, being "An Act to amend section 190 of chapter 3 of an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana territory,'" approved January 12th, A. D. 1872, beg leave to report that it has had the same under consideration, and report the same back to the House, with the recommendation that it do not pass.

Mr. McCormick, chairman of the Committee on Federal Relations, reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred C. J. M. No. 1, asking for the establishment of a mail route from Helena, Montana, to Deadwood City, Dakota, beg leave to report the same back to the House with the accompanying substitute, with the recommendation that it be adopted.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was recommitted H. J. M. No. 4, asking Congress to aid in the

maintenance of the free schools of the territory of Montana, beg leave to report the same back to the House, with the recommendation that it do pass.

W. F. Sanders, chairman of the Committee on Internal Improvements, reported as follows:

MR. SPEAKER:—Your Committee on Internal Improvements, to whom was referred the accompanying petition concerning the creation of a new county, has had the same under consideration, and has instructed me to report the same back with the recommendation that it be referred to the Committee on Towns and Counties.

All of which is respectfully submitted.

Report received.

Mr. Ives, chairman of the Committee on Education and Labor, reported as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred C. B. No. 12, "An Act for the benefit of common schools," beg leave to report that they have considered said bill and report as a substitute for said bill the bill accompanying this report, which said substitute your committee recommend do pass.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred the petition of E. T. Johnson, Duke Deelreille, and others, with instruction, have directed me to report the accompanying bill.

Report received.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred C. B. No. 2, "An Act providing for the election of county assessors," beg leave to report that the committee have had the same, and the amendment accompanying it, under consideration,

and herewith report the same back to the House, and recommend that the amendment offered to the bill in the House be not adopted. That section 3 of the bill be amended to read as follows: "Section 3. No person who shall have served one term of two years as assessor in any county, shall be eligible to the next succeeding term." Strike out section 5 of the bill. And, as amended, your committee recommend that the bill do pass.

On motion of W. F. Sanders, the report was adopted.

Mr. Word also reported as follows:

MR. SPEAKER:—Your Committee of Ways and Means, to whom was referred H. J. R. No. 2, beg leave to report the same back to the House with the recommendation that the same do pass, with the following amendments: Insert after the word "of," in the 8th line, page 1 of the resolution, the word "all," and after the word "insane," in the 9th line insert the words "of Montana territory."

Add the following to the resolution: "*Provided*, further, that the costs necessarily attending the adjudication of insanity and transportation of any insane persons to the place provided for their care and maintenance, shall be paid by the county where such insane person resides at the time he may be adjudged to be insane."

On motion of Mr. Davis, the report was adopted.

Mr. Chadwick, from the select committee to whom was referred H. B. No. 34, "An Act to amend the Helena incorporation act," reported as follows:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 34, being for "An Act to amend the Helena incorporation act," beg leave to report the same back to the House, with the recommendation that it do pass.

W. F. SANDERS,  
W. F. CHADWICK,  
N. KESSLER,  
JOS. DAVIS,  
*Select Committee.*

Report received.

On motion W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote :

*Ayes*—Batchelder, Brainard, Chadwick, Hickman, Howell, Ives, McCormick, McElroy, Mood, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Mr. Speaker—17.

*Nays*—Davis, Galen, Robbins, and Word—4.

Absent—Dixon, Hyde, Kessler, Porter, and Robinson.

The title was agreed to.

Mr. Davis moved that the House adjourn ; motion lost.

Notices of the introduction of bills were given :

By Mr. Vivion—A bill for “An Act to amend section 4 of an act entitled ‘An Act relating to county commissioners,’” approved January 9th, 1872.

By W. F. Sanders—A bill for “An Act for the relief of certain counties.”

By J. G. Sanders—A bill entitled “An Act in relation to the duties of county commissioners.”

Mr. Howell moved to adjourn ; which motion was lost.

The following bills were introduced :

By Mr. Ives—H. B. No. 55, “An Act to secure the better observance of Sunday.”

By Mr. Vivion—H. B. No. 56, a bill for “An Act to authorize the Governor to organize counties.”

By J. G. Sanders—H. B. No. 57, a bill in relation to printing.

By Hickman—H. B. No. 58, “An Act to change the name of the Stinking Water river.”

C. B. No. 17, a bill to amend section 286, chapter 12, of the



criminal practice act, approved January 12th, 1872, was read first time, and, on motion of W. F. Sanders, was rejected.

C. B. No. 32, "An Act for the organization of unorganized counties," was read first and second times, and referred to the Committee on Judiciary.

Mr. Witter moved to adjourn to 10 o'clock to-morrow.

Mr. Word moved to amend by inserting "10:30" in lieu of "10;" which motion was lost.

Mr. Witter's motion was then adopted, and the House adjourned to 10 o'clock to-morrow.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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### THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }  
February 8th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chadwick in the chair.

C. B. No. 38, "An Act to authorize the county commissioners of Gallatin county to issue bonds for the purpose of constructing a public highway," was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 43, "An Act to create a good time law for the convicts of the territorial penitentiary," read first and second times, and referred to the Committee on Territorial Affairs.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 7th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have passed the Council, and are transmitted:

C. B. No. 33, "An Act concerning divorce."

C. B. No. 29, "An Act in relation to married women."

C. B. No. 45, "An Act to amend section 306 of the criminal practice act of Montana territory," approved January 12th, 1872.

C. B. No. 26, "An Act concerning apprentices."

H. B. No. 4, "An Act to facilitate the construction of the Helena and Benton Railroad," with the amendments attached.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Speaker in the chair.

C. B. No. 44, "An Act to regulate the election of county commissioners," was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 45, "An Act to amend section 306 of the criminal practice act of Montana territory," approved January 12th, 1872, read first and second times, and referred to the Committee on Judiciary.

C. B. No. 47, a bill for "An Act to establish names to certain streams in Deer Lodge county," read first and second times, and referred to the Committee on Territorial Affairs.

C. B. No. 48, "An Act in relation to the territorial seal," was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 29, "An Act in relation to married women," read first and second times, and referred to the Committee on Judiciary.

C. B. No. 26, "An Act concerning apprentices," read first and second times, and referred to the Committee on Judiciary.

C. B. No. 33, "An Act concerning divorce," read first and second times, and Mr. Vivion moved that the bill be referred to a select committee, composed of the single men of the House, consisting of Mood, Vivion, Batchelder, Mayhew, Steell, Thompson, Rotwitt, Dixon, McElroy, and Witter, with Mr. Mood as chairman, with instructions to report a state of facts; which motion was adopted by the following vote:

*Ayes*—Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, Porter, Robinson, Robbins, Thompson, Vivion, Witter, Word, and Mr. Speaker—15.

*Nays*—Batchelder, Chadwick, Dixon, McElroy, Mood, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), and Steell—9.

Absent—Brainard and Davis.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report: H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876; H. B. No. 6, "An Act in relation to live stock;" H. B. No. 18, "An Act defining the powers and duties of the board of county commissioners of Gallatin county in certain cases;" H. B. No. 39, "An Act to amend section 147 of the criminal laws;" H. B. No. 16, "An Act relative to the territorial library;" H. B. No. 21, "An Act to amend an act in relation to brands and marks," approved January 10th, 1872; also, H. B. No. 30, "An Act to provide for compensation of J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for printing," have been correctly enrolled.

Mr. Word reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. B. No. 19, "An Act to amend an act concerning

licenses," approved May 8th, 1873, beg leave to report the same back to the House, with the recommendation that the bill do pass, with the following amendments:

Strike out section 2 of bill, and insert in lieu thereof the following:

Section 2. That section 9 of said act be so amended as to read as follows: "Section 9. That every traveling merchant, hawker, or peddler, who shall carry a pack or trunk, and shall sell goods, wares, or merchandise, shall pay a license of twelve dollars per quarter; if he travel with a wagon or other vehicle, and sell goods, wares, or merchandise, he shall pay a license of twenty dollars per quarter for each wagon or vehicle; if he travel with a pack animal and sell goods, wares, or merchandise, he shall pay a license of fifteen dollars per quarter for each pack animal: *Provided*, that no license shall be required to be paid by any person who sells any production of this territory raised or manufactured by himself."

Add the following as section 3:

Section 3. That all persons who may hereafter come into this territory, and who shall take orders for the sale of any goods, wares, or merchandise, to be delivered after taking such orders, or shall sell or offer to sell any goods, wares, or merchandise, by sample, such persons being commonly known as traveling commercial agents, shall, before carrying on any such business, pay a license therefor of twenty dollars per quarter, in each county where such business may be transacted.

Add the following as section 4 of bill:

Section 4. That section 17 of said act be amended so as to read as follows: "Section 17. Every person who shall carry on the gift, lottery, or prize distribution business within this territory, shall pay a license therefor of fifty dollars per quarter: *Provided*, that no fee shall be collected by any county treasurer in this territory for granting or issuing any license in any case whatever, under the provisions of this act, or the act to which this is amendatory; any law heretofore passed to the contrary, notwithstanding."

That section 3 of said bill be numbered section 5.

Respectfully submitted.

On motion of Mr. Robinson, the report was adopted.

Mr. Word also reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. B. No. 44, "An Act to amend an act concerning licenses," beg leave to report that the provisions of said bill have been, by this committee, incorporated in a bill reported back to the House, numbered 19, being "An Act to amend an act concerning licenses," approved May 8th, 1873. Your committee would therefore recommend that this bill, No. 44, be rejected.

On motion of Mr. Hyde, the report was adopted.

H. B. No. 54, "An Act concerning dogs," read first and second times, and, on motion of Mr. Robinson, the following amendment was adopted: Amend section 1 by striking out the words "dog of the female kind," and insert in lieu thereof the word "bitch."

On motion of Mr. Howell, the following amendment was adopted: Amend by striking out the word "two," where it occurs before "dollars," and insert "one;" strike out the word "three," where it occurs before the word "dollars," and insert "two;" strike out section 5.

On motion of Mr. Chadwick, the bill, with the amendments, was indefinitely postponed by the following vote:

*Ayes*—Batchelder, Chadwick, Davis, Dixon, Galen, Kessler, McElroy, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion—14.

*Nays*—Hickman, Howell, Hyde, Ives, McCormick, Mood, Robinson, Thompson, Witter, Word, Mr. Speaker—11.

H. B. No. 55, "An Act to secure the better observance of Sunday," read first and second times, and, on motion of Mr. Thompson, the bill was laid on the table.

H. B. No. 56, "An Act to authorize the Governor to organize counties," read first and second times, and, on motion of Mr. Vivion, the rules were suspended, the bill considered engrossed, read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—25.

*Nay*—J. G. Sanders.

The title was agreed to.

On motion of Mr. Thompson, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—members all present.

On motion of Mr. Robinson, the resolution limiting debate was postponed for one week.

The Speaker signed H. B. No. 5, "An Act to repeal an act concerning the management of live stock," approved February 11th, 1876; H. B. No. 6, "An Act relating to live stock;" H. B. No. 16, "An Act relative to the territorial library;" H. B. No. 18, a bill for "An Act relative to the duties of county commissioners;" H. B. No. 21, "An Act to amend sections 1 and 5 of an act in relation to brands and marks," approved January 10th, 1872; H. B. No. 30, "An Act to provide for the compensation of J. C. Kerley, H. McQuaid, and L. F. Lacroix, for printing;" H. B. No. 39, "An Act to amend section 147 of the criminal laws," approved January 12th, 1872.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was re-submitted C. B. No. 30, being "An Act to provide against accidents from fire," beg leave to report the bill back to the House with amendments:



Amend section 2 so it will read as follows:

"Section 2. All such buildings now erected that are not constructed as provided in section 1, shall, within one year after the passage of this act, be so altered as to comply with its provisions."

Also, amend section 3 of the bill so as to read as follows:

"Section 3. All persons constructing, owning, controlling, or in custody of any building which shall be hereafter erected, and which is mentioned in section 1 of this act, and not constructed in accordance with the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred, and such building or buildings shall be closed by the court until the doors thereof shall be made to conform to the provisions of this act."

Also, amend by striking out section 4, and insert in lieu thereof the following:

"Section 4. That all persons owning, controlling, or in custody of any building in this territory, described in section 1 of this act, who shall fail to comply with the provisions of section 2 of this act, shall be guilty of a misdemeanor, and, on conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not more than fifty dollars, and such building shall be closed by the court until the doors thereof shall be made to conform to the provisions of this act."

On motion of Mr. Chadwick, the report was adopted.

Mr. Chadwick, chairman of the Committee on Judiciary, reported H. B. No. 59, "An Act to provide a code of civil procedure in the territory of Montana," which was, on motion of Mr. Chadwick, read the first and second times by its title, and referred to a select committee composed of all the members of the bar of this House, of which committee Mr. Speaker is chairman.

On leave, Mr. Word introduced H. B. No. 60, "An Act to provide for the copying of the laws for publication." Read first and second times, and referred to the Committee on Judiciary.

H. B. No. 57, a bill in relation to printing, read first and second times, and, on motion of Mr. Thompson, the bill was amended as follows: Strike out the word "contingent" and insert "general."

The bill, with the amendment, was then referred to the Judiciary Committee.

H. B. No. 58, "An Act to change the name of the Stinking Water river," read first and second times, and, on motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nay*—Mr. Robinson.

Absent—Mr. Hyde.

The title was agreed to.

H. J. R. No. 4, a vote of thanks to J. P. Woolman, read first and second times, and, on motion of W. F. Sanders, the rules were suspended, the resolution considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—25.

*Nays*—None.

Absent—Mr. Hyde.

Mr. Sanders (of Jefferson), chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. B. No. 31, entitled "An Act to aid in the construction

of a railroad to Montana," beg leave to report the same back to the House correctly engrossed.

Report received.

Mr. Hyde, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was submitted H. B. No. 25, being "An Act to consolidate the county offices of Meagher county," beg leave to report the same back to the House with the accompanying substitute, with the recommendation that the substitute do pass.

Report received.

On motion of Mr. Chadwick, the consideration of Secretary Callaway's communication was postponed until Saturday, at 3 o'clock P. M.

On motion of W. F. Sanders, the substitute to H. B. No. 25, "An Act to consolidate the offices of Meagher county," was adopted. The substitute was then read for information.

On motion of Mr. Brainard, the rules were suspended, the substitute considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—26.

*Nays*—None.

Mr. Chadwick moved to amend the title so as to read, by adding after the word "Meagher," "Chouteau, Jefferson, Beaver Head, and Missoula counties."

Mr. Rotwitt moved to amend by substituting "An Act to cheat the counties of Lewis and Clarke, Deer Lodge, Gallatin, and Madison out of economical administration;" which motion was lost by the following vote:

*Ayes*—Kessler, Rotwitt, J. G. Sanders, and W. F. Sanders—4.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, McCormick, McElroy, Mood, Porter, Robinson, Robbins, Steell, Vivion, Witter, Word, Mr. Speaker—21.

Mr. Chadwick's amendment to the title was then adopted, and the title was agreed to as amended.

H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," was read the third time, and passed by the following vote :

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Hickman, Howell, Kessler, McCormick, Mood, Porter, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—19.

*Nays*—Dixon, Galen, Hyde, Ives, Rotwitt, Robinson, McElroy—7.

The title was agreed to.

On motion of Mr. Sanders (of Lewis and Clarke), the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

### THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }  
February 9th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council :

COUNCIL CHAMBER, }  
February 8th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills were introduced:

By Ford—C. B. No. 49, "An Act to enable the people of the territory of Montana to aid in the construction of a railroad."

By Waterbury—C. B. No. 50, a bill to authorize the county commissioners of Deer Lodge county to perform certain duties.

By Cullen—C. B. No. 51, "An Act to amend an act to provide for the support and maintenance of the Helena fire department."

That the Council have concurred in the House amendments to the following Council Bills, to-wit:

C. B. No. 20, "An Act to amend section 10 of an act concerning notaries public," approved February 8th, 1876.

C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872.

C. J. M. No. 2.

That the Council has refused to concur in the House amendments to C. B. No. 8, "An Act in relation to swine," and respectfully ask the House to recede therefrom.

That the Council have rejected H. B. No. 34, "An Act to amend the Helena incorporation act," which is herewith transmitted.

That the following resolution has passed the Council:

*Resolved*, That the House be requested to engross their amendments to Council Bills before they return them to the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk*.

H. J. M. No. 4 was taken up, and, on motion of Mr. Witter, the rules were suspended, considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—25.

*Nays*—None.

Absent—Mr. McCormick.

The title was agreed to.

Mr. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. B. No. 43, entitled "An Act to authorize the several counties of this territory to change their county seat on certain conditions," beg leave to report the same back to the House correctly engrossed.

Report received.

Mr. Hyde, chairman of the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment have presented the following bills to the Governor for approval at 2:45 P. M., February 8th, 1877:

H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876.

H. B. No. 6, "An Act in relation to live stock."

H. B. No. 18, "An Act defining the powers and duties of the board of county commissioners of Gallatin county in certain cases."

H. B. No. 39, "An Act to amend section 147 of the criminal laws."

H. B. No. 16, "An Act relative to the territorial library."

H. B. No. 21, "An Act to amend an act in relation to brands and marks," approved January 10th, 1872.

H. B. No. 30, "An Act to provide compensation to J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for printing."

Report received.



Also, as follows :

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled :

C. B. No. 5, "An Act to repeal section 1 of an act entitled 'An Act concerning county warrants, and for other purposes,'" approved January 11th, 1872.

Also, C. B. No. 20, "An Act to amend section 10 of an act concerning notaries public," approved February 8th, 1876.

Report received.

H. B. 27, "An Act to amend section 138 of an act entitled 'An Act to amend an act to regulate proceedings in civil cases in courts of justice in the territory of Montana,'" approved February 13th, 1874, was taken up, and, on motion of Mr. Porter, was indefinitely postponed.

H. B. No. 32, "An Act to amend an act to regulate proceedings in civil cases in courts of justice in the territory of Montana, in relation to attachments, and to repeal section 146 of said act," was taken up, and, on motion of Mr. Chadwick, indefinitely postponed.

H. B. No. 44, "An Act to amend an act concerning license," was, on motion of J. G. Sanders, indefinitely postponed.

H. B. No. 47, a bill for "An Act defining the relation of the counties of Big Horn and Dawson to the counties of Gallatin and Meagher," was, on motion of Mr. Rotwitt, indefinitely postponed.

H. B. No. 45, a bill for "An Act to amend section 69 of the criminal practice act," approved January 12th, 1872, was read for information.

On motion of Mr. Chadwick, the clerk was instructed to insert in enacting clause the words "the territory of."

On motion of Mr. Chadwick, the rules were suspended, the bill was considered engrossed, read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—25.

*Nays*—None.

Absent—Mr. Sanders (of Jefferson).

The title was agreed to.

H. B. No. 43, "An Act to authorize the several counties of this territory to change their county seats on certain conditions," was read the third time, and passed.

*Ayes*—Brainard, Chadwick, Davis, Dixon, Howell, Hyde, Ives, Kessler, McElroy, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, and Witter—18.

*Nays*—Batchelder, Galen, McCormick, Porter, Vivion, Word, and Mr. Speaker—7.

Absent—Mr. Hickman.

Mr. Speaker signed C. B. No. 5, "An Act to repeal section 1, chapter 94, of the codified statutes of Montana territory," approved January 11th, 1872; C. B. No. 20, "An Act to amend section 10 of an act concerning notaries public."

C. B. No. 15, "An Act concerning elections," was read the third time, and passed.

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—23.

*Nays*—None.

Absent—Davis, Ives, and Robbins.

The title was agreed to.

C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein," was read the third time and passed.

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McCormick, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nays*—None.

Absent—Messrs. Ives and McElroy.

Mr. Sanders (of Lewis and Clarke) moved to insert after the word "therein," in the title, the words "and for other purposes;" which motion prevailed.

The title was then adopted as amended.

C. B. No. 27, "An Act relative to the competency of witnesses," was, on motion of W. F. Sanders, laid on the table.

On motion of Mr. McCormick, C. B. No. 34, "An Act to increase the compensation of grand and trial jurors in the district court in the county of Deer Lodge, in the territory of Montana," was taken from the table, and, on motion of Mr Robinson, was indefinitely postponed.

Substitute for C. J. M. No. 1 was read for information.

On motion of W. F. Sanders, the memorial was recommitted to the Committee on Federal Relations.

On motion of Mr. Witter, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Dixon, Ives, Porter.

The substitute for C. B. No. 12, "An Act for the benefit of common schools," was read for information.

On motion of Mr. Porter, the substitute was adopted.

On motion of Mr Sanders (of Lewis and Clarke), the following amendment was adopted: Add after the word "treasury," in the interlineation between lines 4 and 5, section 2, the words "derived from said source."

And the amendment was ordered engrossed.

Mr. W. F. Sanders gave notice as follows:

MR. SPEAKER:—I give notice that on the 15th instant I will ask leave to introduce a bill for "An Act to amend the Helena incorporation act," being in substance H. B. No. 34, which, as appears by the Council communication this day received by the House, was on yesterday rejected by the honorable Council upon its first reading.

W. F. SANDERS.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that C. B. No. 5, "An Act to repeal section 1 of an act entitled 'An Act concerning county warrants, and for other purposes;'" also C. B. No. 20, "An Act to amend section 10 of an act concerning notaries public," approved February 8th, 1876, were handed to the Governor at 1:45 this P. M., February 9th, 1877.

H. B. No. 19, "An Act to amend an act concerning license," approved May 8th, 1873, was taken up, and, on motion of Mr. Hickman, the amendments reported by the Committee on Ways and Means were adopted.

Mr. Howell moved to amend as follows: Amend by striking out the words, in section 2, "for each county where such business may be transacted;" which motion was lost.

On motion of Mr. W. F. Sanders, section 3 of the amendments was stricken out by the following vote:

*Ayes*—Batchelder, Howell, Mood, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, and Vivion—9.

*Nays*—Chadwick, Galen, Hickman, Hyde, McElroy, Robinson, Thompson, and Mr. Speaker—8.

Absent—Brainard, Davis, Dixon, Ives, Kessler, McCormick, Porter, Witter, and Word.

On motion of Mr. Hickman, a call of the House was ordered.

Roll called—absent, Brainard, Davis, Dixon, Ives, Kessler, McCormick, Porter, Witter, and Word.

The Sergeant-at-Arms was ordered to bring in the absentees.

Mr. W. F. Sanders moved that further proceedings under the call be dispensed with; which motion was lost.

On motion of Mr. Hickman, further proceedings under the call was dispensed with.

On motion of Mr. Robbins, the vote by which section 3 of the amendments was stricken out was reconsidered by the following vote:

*Ayes*—Chadwick, Davis, Galen, Hickman, Hyde, Kessler, McElroy, Robinson, Robbins, Thompson, Mr. Speaker—11.

*Nays*—Batchelder, Howell, Mood, Rotwitt, J. G. Sanders, Sanders (of Lewis and Clarke), Steell, Vivion, Witter, and Word—10.

Absent—Brainard, Dixon, Ives, McCormick, and Porter.

On motion of Mr. Vivion, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

## THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 10th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. B. T. Porter.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Governor:

MONTANA TERRITORY,  
EXECUTIVE DEPARTMENT, }  
HELENA, February 9th, 1877. }

*To the House of Representatives:*

I have the honor to inform the House of Representatives that, on the 3d day of February, A. D. 1877, I approved H. J. R. No. 1, commemorating the death of General George A. Custer; also, on same day I approved H. B. No. 23, entitled "An Act with reference to the exhibit of Montana at the national exhibition;" also, on same day I approved H. B. No. 7, entitled "An Act to repeal an act entitled 'An Act in relation to administrators and executors,'" approved May 6th, 1873; and on same day I approved H. B. No. 13, entitled "An Act to provide for biennial elections in the territory of Montana;" and on same day I approved H. B. No. 24, entitled "An Act for the relief of F. C. Deimling." On the 8th day of February, 1877, I approved the following bills: H. B. No. 21, entitled "An Act to amend an act in relation to brands and marks," approved January 11th, 1872 (codified statutes, page 563); H. B. No. 30, entitled "An Act to provide compensation for J. C. Kerley, Hugh McQuaid, and L. F. Lacroix, for printing;" H. B. No.



39, entitled "An Act to amend section 147 of the criminal laws;" H. B. No. 5, "An Act for the repeal of an act concerning the management of live stock," approved February 11th, 1876; H. B. No. 18, entitled "An Act defining the powers and duties of the board of county commissioners of Gallatin county in certain cases;" H. B. No. 6, entitled "An Act in relation to live stock."

Respectfully,

B. F. POTTS.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 9th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 18, "An Act to secure railroad communication to the people of Montana;" also, C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone, to the eastern boundary of Deer Lodge county," title amended by rider attached, have passed the Council, and are herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
February 9th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have refused to concur in House amendments to C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein," and respectfully request the House to recede therefrom.

That the Council has concurred in House amendments to C. B. No. 15, "An Act concerning elections."

That the H. J. M. No. 4, a joint memorial asking engross to aid in the maintenance of the free schools of the territory of Montana, has passed the Council—title amended by striking out "engross" and inserting "Congress."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
February 9th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 19, "An Act to provide for the organization of the militia," has been indefinitely postponed.

That H. B. No. 35, "An Act for the relief of W. F. Wheeler," has passed the Council.

That H. B. No. 20, "An Act to protect the treasuries of the counties and the territory of Montana," as amended, has passed the Council, with amendment attached.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Vivion in the chair.

H. B. No. 35, "An Act for the relief of W. F. Wheeler," was ordered enrolled.

Mr. Speaker in the chair.

On motion of W. F. Sanders, C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein," was taken up, and, on motion of W. F. Sanders, the House refused to recede from their amendments, and a conference committee was appointed, consisting of W. F. Sanders, Robinson, and Vivion, and respectfully request the Council to appoint a like committee.

H. B. No. 4, "An Act to amend an act entitled 'An Act to authorize the counties interested in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, Montana territory,'" approved February 11th, 1876, was taken up, and, on motion of Mr. Chadwick, the House concurred in the Council amendments, and the bill was ordered enrolled.

The following communication was received from the Governor, through Ben. R. Dittes, his private secretary, which was, on motion of W. F. Sanders, entered at large upon the journal:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
HELENA, M. T., February 10th, 1877. }

*To the House of Representatives:*

I have the honor to return to the House of Representatives H. B. No. 16, entitled "An Act relative to the territorial library," without my approval. Section 6 of the bill provides that the clerk of the supreme court shall receive for his services, under the bill, an annual salary of four hundred dollars, but I cannot find any provision in the bill authorizing the payment of the salary from any treasury. I do not think that it can be seriously claimed that the Territorial Auditor, under the present law defining his duties, would be authorized to draw his warrant on the Territorial Treasurer for the salary prescribed in the bill. I do not suppose it was the intention of the Legislature to impose the duties of a territorial officer upon the clerk of the supreme court without compensation, but I cannot believe he can receive any compensation from the territory under the bill, should it become a law. I also object to the bill because it attempts to fill a territorial office in a manner not authorized by the organic act. The bill attempts to pay a salary of four hundred dollars to the clerk of the supreme court for his services in charge of the territorial library, and as "librarian" he is required to give bonds to the territory.

This officer is designated fifteen times in the bill as librarian, and as clerk of the supreme court twice only. The office of librarian has, since its creation, been regarded as a territorial office, and its duties were discharged by a territorial officer, and as it is not a township, county, or district office, it can only be legally filled by the appointment of the Governor, and confirmation by the Legislative Council. The Territorial Auditor has been *ex officio* librarian ever since the office was created, and why a part of the duties of the Auditor should be imposed on another, at great expense to the territory, when the present incumbent is a gentleman in every way competent, I cannot comprehend. The Territorial Auditor or Treasurer, can perform the duties of librarian without an increase of salary, and the additional cost for lights, fuel, rent, etc., will be but trifling. It is clearly capable of demonstration, that, if the library is placed in charge of the Territorial Auditor or Treasurer,

it will cost the territory from eight hundred to one thousand dollars per annum less than if it is placed in charge of the clerk of the supreme court, if the designs of the framers of this bill are carried out.

The library will certainly be as safe and as well managed by either of the officers above named, as by the clerk of the supreme court. The duties of either of said officers now enjoined on them by law are not such as to prevent either of them from discharging the duties of librarian in the most efficient manner. In the present financial condition of the territory, I cannot consent to an increase of expenditures if it can be avoided.

I respectfully ask that the Legislative Assembly reconsider its action on this bill.

Respectfully,

B. F. POTTS.

On motion of W. F. Sanders, the vote by which H. B. No. 16, "An Act relative to the territorial library," passed the House, was reconsidered.

Mr. McCormick in the chair.

On motion of Mr. Mayhew, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. Witter.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that C. J. M. No. 2 has been correctly enrolled.

Report received.

Mr. McCormick in the chair.

On motion of W. F. Sanders, the consideration of Secretary Callaway's communication was postponed until Monday, the 12th inst., at 3 o'clock P. M.

On motion of Mr. Hickman, a call of the House was ordered.

Roll called—absent, Mr. Brainard.

Mr. Kessler moved that further proceedings under the call be dispensed with. Motion lost.

Mr. Brainard was reported in his seat.

On motion of Mr. Hickman, the further call of the House was dispensed with.

Mr. Mayhew moved that the previous question be now put; which motion prevailed.

And the question being put, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Vivion, Witter, and Mr. Speaker—19.

*Nays*—Davis, Hickman, Howell, Hyde, Steell, Thompson, and Word—7.

H. B. No. 19, "An Act to amend an act concerning license," approved May 8th, 1873. On motion of Mr. Hyde, the following amendment was adopted:

Amend by striking out "twenty," and insert "ten" in lieu thereof, in line —, section 3.

There being no other amendments, the bill was ordered engrossed for the third reading.

Mr. Speaker in the chair.

W. F. Sanders, chairman of conference committee, reported as follows:

MR. SPEAKER:—Your committee of conference on the disagreeing votes of the two Houses upon the amendment of the Council to H. B. No. 33, has met the conferrees of the Council, and had full and free conference as to said disagreement. Your committee would respectfully recommend that the House concur in said amendment of the Council to said bill, and recede from its disagreement thereto, and that the conferrees of the Council will report this action of the conference to the Council.

W. F. SANDERS.

SAMUEL WORD.

J. C. ROBINSON.

Report adopted.

On motion of W. F. Sanders, the following amendment was made to the Council amendment to H. B. No. 33, "An Act to provide for the publishing of the reports of the supreme court:"

Amend the amendment by striking out "edition" where it occurs, and insert in lieu thereof the word "volume;" also, add to the amendment the words "to the territory."

The amendment was then, on motion of W. J. McCormick, adopted as amended.

The Speaker then signed C. J. M. No. 2.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 10th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that McAdow introduced C. B. No. 52, "An Act to legalize the action of the county commissioners." Read first and second times, rules suspended, and passed, and is transmitted.

That McAdow introduced C. J. R. No. 2, to pay an expert for



examining the Treasurer's and Auditor's books; was read first and second times, rules suspended, and passed, and is transmitted.

That the following have passed the Council and are transmitted:

H. J. M. No. 4.

H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly."

C. B. No. 51, "An Act to amend an act to provide for the support and maintenance of the Helena fire department."

H. B. No. 58, "An Act to change the name of the Stinking Water river."

H. B. No. 1, "An Act to establish and maintain an insane asylum, and otherwise provide for the insane of the territory," as amended, amendments attached.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On leave, Mr. Robinson introduced H. B. No. 61, "An Act relating to probate courts and estates of deceased persons."

Also, H. B. No. 62, "An Act to regulate the sale of water, and encourage the pursuits of industry."

Also, H. B. No. 63, "An Act to amend the civil practice act relating to practice in justices' courts."

Also, H. B. No. 64, "An Act relating to fees of officers and taxation of costs."

H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly;" H. B. No. 58, "An Act to change the name of the Stinking Water river," and H. J. R. No. 4, were ordered enrolled.

Mr. Chadwick, on leave, reported as follows:

MR. SPEAKER:—Your special committee to whom was referred H. B. No. 59, being a bill for "An Act to provide a code of civil procedure in the territory of Montana," beg leave to report to the House that it has had the same under consideration, and recommend that it do pass.

That the code of civil procedure now in force in this territory, with the exception of some amendments, was adopted in the year 1867; that at the time of its adoption, it was the code then in force in the state of California, and had been framed in that state long before it was adopted here.

That, since it was first enacted in California, many important amendments and changes have been made in that state, which our present code does not contain; also, that the same has not been codified since the year 1872, and that since that date many amendments have been made at the three sessions of the Legislative Assembly, without considering those proposed at the present session.

That, therefore, in the opinion of your committee, it is of the greatest importance to the administration of the law in our courts that our code of procedure should be revised and codified.

Your Committee on Judiciary, in connection with the same committee of the Council, has made a thorough revision of the civil practice act, codifying the numerous amendments made thereto at former sessions of the Legislative Assembly, and also incorporating into the same many of the amendments made thereto by the legislature of the state of California.

That, in such codification and arrangement, the general features of our present practice act have not been changed, and no amendment incorporated into the same unless it was clearly apparent to the Committees on Judiciary that the same would be an improvement to our present system.

All of which is respectfully submitted.

A. E. MAYHEW.  
SAMUEL WORD.  
W. F. CHADWICK.  
R. P. VIVION.  
W. J. McCORMICK.  
J. C. ROBINSON.  
W. F. SANDERS.  
B. T. PORTER.

Report adopted.

On motion of Mr. Word, the rules were suspended, and H. B. No. 59, "An Act to provide a code of civil procedure for the terri-

tory of Montana," was considered engrossed, read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—25.

*Nays*—None.

Absent—Mr. Ives.

The title was agreed to.

Mr. McCormick, chairman of the Committee on Federal Relations, reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was recommitted C. J. M. No. 1, asking for the establishment of a postal route between Helena, Montana, and Deadwood City, Dakota territory, beg leave to report the same back with the accompanying substitute, and recommend that the same do pass.

On motion of Mr. Vivion, the substitute to C. J. M. No. 1 was adopted.

On motion of Mr. Vivion, the rules were suspended, the memorial considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word—23.

*Nay*—Mr. Speaker—1.

Absent—Messrs. Brainard and Davis.

The title was agreed to.

J. G. Sanders made the following majority report of select committee:

MR. SPEAKER:—A majority of your select committee to whom was referred the petition of L. B. Statler, R. Milligan, and others, citizens of Jefferson county, praying that a certain portion of said county, therein named, be attached to the county of Gallatin, have had the same under consideration, and report the same back to the House and recommend that the prayer of said petition be not granted.

J. G. SANDERS.

E. M. BATCHELDER.

H. F. GALEN.

Mr. Vivion, from select committee, made the following minority report:

MR. SPEAKER:—We, members of your select committee to whom was referred the petition of citizens of Jefferson county, would respectfully report the same back, and ask that the prayers of the petitioners be heard.

ROBBINS,

R. P. VIVION,

*Of Committee.*

On motion, the majority and minority reports were laid on the table.

Mr. Howell moved to adjourn; motion lost.

On leave, Mr. Kessler introduced H. B. No. 65, a bill for "An Act to amend an act, entitled 'An Act to provide for the redemption of the funded debt of Lewis and Clarke county,'" approved February 5th, 1876.

Mr. Robbins, chairman of the Committee on Grazing and Stock Growing, reported as follows:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 38, have had the same under consideration, and would report the same back with the following amendment, to-wit: Strike out section 3 and insert as section 3: "That chapter 5 of an act entitled 'An Act revising, re-enacting, and codifying the general

and permanent laws of Montana territory,' approved January 12th, 1872, be and the same is hereby repealed." With the amendment, your committee recommend that it do pass.

Report adopted.

H. J. R. No. 2, relative to insane, was taken up, and, on motion of W. F. Sanders, the amendments offered by the Committee on Ways and Means were adopted, and the resolution ordered engrossed for the third reading.

Mr. McCormick moved to adjourn; which motion was lost.

H. B. No. 61, "An Act relating to probate courts and estates of deceased persons," was read first and second times by title, and referred to the Committee on Judiciary.

H. J. R. No. 5, read first and second times, and referred to the Committee on Ways and Means.

On motion of Mr. Davis, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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### THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 12th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. Robbins.

Prayer by the Rev. Mr. Hewitt.

Mr. Robbins was granted leave until noon.

Journal of Saturday read and approved.

H. B. No. 38, "An Act concerning stallions," was taken up, and the amendments reported by the Committee on Grazing and Stock Growing were adopted.

Mr. W. F. Sanders moved that the bill be indefinitely postponed; which motion was lost.

The bill was then ordered engrossed for a third reading.

H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," was ordered enrolled.

C. B. No. 6, "An Act relating to printing," was taken up. Mr. Chadwick moved to amend the bill as follows: Amend the amendment by striking out the word "two" before the word "hundred," and insert "three" in lieu thereof; amendment lost.

The amendments reported by the committee were adopted, and the bill ordered engrossed for the third reading.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 10th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council has appointed Messrs. Tatem, Brown, and Watson a committee of conference on C. B. No. 28, "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein."

That H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana," has passed the Council.

That H. B. No. 56, "An Act to authorize the Governor to organize counties," was lost in the Council.

That substitute for C. B. No. 37, "An Act to provide against accidents in mines," has passed the Council.

That C. B. No. 31, "An Act to amend section 261 of chapter 1



of the civil practice act of the territory of Montana," has passed the Council.

That the following bills were introduced:

By Lewis—C. B. No. 53, "An Act to exempt certain manufactories from taxation for a term of years."

By Brown—C. B. No. 54, "An Act to amend section 18 of an act entitled 'An Act in relation to roads and highways,'" approved February 12th, 1874.

By McAdow—C. B. No. 55, "An Act to re-enact section 3 of the revenue act, providing for the collection of revenue" (codified statutes).

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of W. F. Sanders, the rules were suspended, and C. B. No. 6, "An Act relating to printing," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Dixon, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, Witter, Word—20.

*Nays*—Chadwick, Davis, Galen, and Mr. Speaker—4.

Absent—Robbins and Thompson.

The title was amended to read as follows: "An Act to provide for the publication of the centennial address, at Philadelphia, of W. A. Clark, Esq."

C. B. No. 30, "An Act to provide against accidents in case of fire." On motion of Mr. Howell, the amendments reported by the Judiciary Committee were adopted, and the amendments were ordered engrossed.

C. B. No. 2, "An Act providing for the election of county assessors." On motion of Mr. Word, the amendments, as proposed by the House, were rejected by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Hickman,

Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—21.

*Nays*—Galen, McCormick, J. G. Sanders, W. F. Sanders—4.

Absent—Mr. Robbins.

On motion of Mr. Word, the amendment reported by the Committee on Ways and Means was adopted.

Mr. Thompson moved to amend as follows: Amend by adding, "*Provided*, That the provisions of this section shall not apply to the counties of Meagher, Jefferson, Missoula, Chouteau, and Beaver Head;" which motion was lost by the following vote:

*Ayes*—Batchelder, Hickman, Howell, Ives, McCormick, McElroy, Mood, Porter, J. G. Sanders, Thompson, and Witter—11.

*Nays*—Brainard, Chadwick, Dixon, Galen, Hyde, Kessler, Rotwitt, Robinson, Steell, Vivion, Word, Mr. Speaker—12.

Mr. Witter moved to suspend the rules, read the bill by its title, and put upon its final passage; which motion prevailed.

Mr. Thompson moved a call of the House.

Roll called—absent, Mr. Davis.

On motion of Mr. Witter, further proceedings under the call were dispensed with.

On motion of W. F. Sanders, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

C. B. No. 2, "An Act to provide for the election of assessors," was read the third time, and lost by the following vote:

*Ayes*—Galen, Hickman, Ives, Kessler, Mood, Robinson, Vivion, and Word—8.

*Nays*—Batchelder, Brainard, Chadwick, Dixon, Howell, Hyde, McCormick, McElroy, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Mr. Speaker—16.

Mr. Howell gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 2, "An Act to provide for the election of assessors," was lost.

Mr. Speaker presented a petition from citizens of Deer Lodge county, which was read, and the Clerk was directed to transmit to the Council.

The following message was received from the Council :

COUNCIL CHAMBER, }  
February 12th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body:

That H. B. No. 16, "An Act relative to the territorial library," was reconsidered by the Council and lost.

That the Council have concurred in House substitute for C. J. M. No. 1, and it has been ordered enrolled.

That C. B. No. 56, "An Act to provide for the support and maintenance of the Butte City fire department," was introduced by Mitchell, and has passed the Council.

That the report of the Joint Committee on Auditor's and Treasurer's accounts is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Ives, chairman of the Committee on Education and Labor, reported as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred H. B. No. 9, "An Act to amend an act entitled

‘An Act to provide for a system of common schools,’” have considered the same, and respectfully report the same back to the House, with the recommendation that it do pass.

F. C. IVES, *Chairman.*

Also, as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred H. B. No. 10, “An Act to authorize the holding of county teachers’ institutes,” have considered the same, and respectfully report the same back to the House, with the recommendation that it do pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred C. B. No. 3, “An Act to provide a system of common schools,” have considered the same, and respectfully report the same back to the House, with the recommendation that it do not pass.

F. C. IVES,  
J. C. ROBINSON,  
A. C. WITTER,  
*Committee.*

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 38, being a bill for “An Act to authorize the county commissioners of Gallatin county to issue bonds for the purpose of constructing a public highway,” beg leave to report that they have had the same under consideration, and that it is of the opinion that the Legislative Assembly of Montana are inhibited by the acts of Congress from passing such a law; and that this character of legislation, authorizing counties to issue bonds for a large sum of money to construct highways and collect tolls therefrom, is not sound nor wise.

Your committee therefore instruct me to recommend that the bill do not pass.

Also, as follows :

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 45, being a bill for "An Act to amend section 306 of the criminal practice act of Montana territory," approved January 12th, 1872, beg leave to report the same back to the House, with the recommendation that it do not pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 36, being a bill for "An Act to amend section 218 of an act relating to executors and administrators," beg leave to report the same back to the House, with the recommendation that it do lie upon the table; that a bill is now before the House for a general act revising and re-enacting the present statutes of the territory, concerning the settlement of estates, which contains the provisions of this bill.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 29, being a bill for "An Act in relation to married women," beg leave to report the same back to the House, with the recommendation that it do not pass. That the committee are of the opinion that some of the provisions of the bill are good, but that the repeal of the act concerning dower, passed at the ninth session, would not be wise, and that the statutes of the territory amply protect the rights of married women.

Report received.

Also, as follows :

MR. SPEAKER:—Your Committee on Judiciary, to whom was recommitted C. B. No. 23, being a bill for "An Act to amend section 4 of an act entitled 'An Act to protect fur-bearing animals and fish in the territory of Montana,'" approved February 5th, 1876, beg leave to report the same back to the House, with the recommendation heretofore made, that the bill, as the same came from the Council, together with the amendments last made in the House, do pass.

Report received and adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 32, being a bill for “An Act for the government of unorganized counties,” beg leave to report the same back to the House, with the recommendation that it do lie upon the table.

That your committee is of the opinion that other measures are before the Legislative Assembly which will more fully provide for the organization, government, and collection of revenue of the unorganized counties of the territory, and that, until such measures have been acted upon, further action upon this bill should be postponed.

On motion of Mr. Sanders, the report was adopted, and the bill was recommitted to the Committee on Judiciary.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 26, being “An Act concerning apprentices,” beg leave to report the same back to the House, with the recommendation that it do lie on the table.

That a bill is now before the House, concerning probate courts and estates of deceased persons, which contains the provisions of this bill.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 44, being a bill for “An Act to regulate the election of county commissioners,” beg leave to report the same back to the House, with the recommendation that it do pass.

Report received.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 61, being a bill for “An Act relating to probate courts and the estates of deceased persons,” beg leave to report the same back to the House, with the recommendation that it do pass.



Mr. Brainard, chairman of the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER:—Your Committee on Territorial Affairs, to whom was referred C. Bs. Nos. 43 and 47, also C. J. M. No. 4, have had the same under consideration, and recommend that the said bills and memorial do pass.

Report received.

Mr. Mood, chairman of the select committee of single men, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred C. B. No. 33, "An Act concerning divorce," would respectfully report the same back to the House, with the recommendation that it do not pass.

Mr. Sanders moved that C. B. No. 33, "An Act concerning divorce," be recommitted to the select committee of single men, with instructions to report a state of facts; which motion prevailed by the following vote:

*Ayes*—Brainard, Hickman, Howell, Hyde, Ives, McCormick, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Word, Mr. Speaker—15.

*Nays*—Chadwick, Davis, Dixon, Galen, Kessler, McElroy, Mood, Steell, Vivion, and Witter—10.

Mr. J. G. Sanders reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. J. R. No. 2, also substitute for C. B. No. 12, also House amendments to C. B. No. 30, beg leave to report that they have examined said bills, and report the same back to the House correctly engrossed.

Report received.

Mr. McCormick, from a select committee, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 51, a bill for "An Act to increase the sinking fund of

Missoula county," also, H. B. No. 52, a bill for "An Act to amend an act entitled 'An Act to provide for the payment of the indebtedness of Missoula county,'" approved January 24th, 1876, beg leave to report said bills back to the House, with the accompanying substitute for said bills, and recommend that it be adopted.

W. J. McCORMICK.

F. C. IVES.

J. A. DIXON.

W. F. Sanders moved that the bills be recommitted to the select committee, with instructions to report a state of facts; which motion was lost by the following vote:

*Ayes*—Batchelder, Brainard, Davis, Hyde, McElroy, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Witter, Mr. Speaker—12.

*Nays*—Chadwick, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, Mood, Porter, Robbins, Thompson, Vivion, Word—14.

On motion of Mr. McCormick, the rules were suspended, and the report of the select committee was received by the following vote:

*Ayes*—Chadwick, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Robinson, Robbins, Thompson, Vivion, Word—16.

*Nays*—Batchelder, Brainard, Davis, Hyde, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Witter, and Mr. Speaker—10.

The hour having arrived at which Secretary Callaway's communication was made the special order, Mr. McCormick moved that the communication be postponed to 3 o'clock P. M. on Thursday, the 15th inst.

Mr. Sanders moved that the main question be now put; which motion prevailed, and the communication was postponed to 3 o'clock P. M. on Thursday, the 15th inst., by the following vote:

*Ayes*—Davis, Dixon, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Vivion, Word—16.

*Nays*—Batchelder, Brainard, Chadwick, Galen, Mood, Robbins, Steell, Thompson, Witter, Mr. Speaker—10.

On motion of Mr. McCormick, H. B. No. 51, "An Act to provide means to increase the sinking fund of Missoula county," and H. B. No. 52, "An Act to amend an act entitled 'An Act to provide for the payment of the indebtedness of Missoula county,'" approved January 24th, 1876, were recommitted to the select committee composed of the members from Missoula county.

Mr. Chadwick, from the joint select committee to examine the Auditor's and Treasurer's books, reported as follows:

*To the Legislative Assembly of the Territory of Montana:*

Your committee, appointed under Joint Resolution No. 1, to examine and report upon the books and accounts of the Territorial Auditor and Treasurer, beg leave to report to the Council and House that your committee found that no examination of the affairs of the said offices had been made for the years 1874-5-6, and that such examination would not only consume more time than could be spared from other legislative duties, but that it needed the assistance of an experienced book-keeper and accountant; that your committee therefore employed George B. Parker, Esq., under the authority given them by the resolution, to make a thorough examination of the books, accounts, vouchers, and all matters connected with the aforesaid offices; that Mr. Parker commenced his labors on the 16th ultimo, and made a complete and exhaustive examination of the books, accounts, vouchers, etc., connected with the said offices, and made a report to your committee, which is hereto annexed and made a part hereof.

From the said statement of Mr. Parker and the investigation of your committee, it is satisfied that the books and accounts of the offices of Auditor and Treasurer are in a satisfactory condition, with the exception hereinafter named; and that the duties devolving upon the aforesaid offices have been efficiently and faithfully dis-

charged; that the books of the Auditor have not been kept in accordance with any system of book-keeping; but, upon a careful examination, it has been found that the general result and balances arrived at are correct.

Your committee would suggest that the books of the Auditor should be simplified by keeping the same in accordance with the double entry system of book-keeping, and the present system be abandoned.

All of which is respectfully submitted.

B. H. TATEM,

P. W. MCADOW,

*Committee on the part of Council.*

W. F. CHADWICK,

*Chairman of House Committee.*

HELENA, MONTANA, February 8th, 1877.

*To the Special Committee to Examine the Books of the Auditor and Treasurer of Montana Territory:*

GENTLEMEN:—I, George B. Parker, duly sworn to examine the books of the Auditor and Treasurer of Montana territory, depose and say: That, after carefully having compared vouchers with warrants, and systematically checked every entry made during the years 1874, 1875, and 1876, find the books to be correct and in excellent shape, with the exception of a few clerical errors in the Auditor's books, during ex-Auditor Sol. Star's administration.

All matter pertaining to the term of the present incumbents, in Auditor's and Treasurer's offices, commend themselves as strictly correct, without an error.

Very respectfully,

GEO. B. PARKER.

TERRITORY OF MONTANA, }  
County of Lewis and Clarke, } ss.

George B. Parker, being first duly sworn, deposes and says, that he will well and truly examine the books of the Territorial Treasurer and Territorial Auditor as an accountant, and will make a full, true, and correct report thereof, to the best of his ability, to the

joint committee appointed by the tenth Legislative Assembly to examine and report upon the aforesaid books.

GEO. B. PARKER.

Subscribed and sworn to before me, this 19th day of January, 1877.

W. F. CHADWICK,

*Notary Public.*

On motion of W. F. Sanders, the report of the select committees was made the special order for 3 o'clock P. M. to-morrow.

H. B. No. 61, "An Act relating to probate courts and the estates of deceased persons," was taken up, and, on motion of Mr. Robinson, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Chadwick, Davis, Galen, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Robinson, Robbins, Thompson, Vivion, Word, Mr. Speaker—16.

*Nays*—Rotwitt, Sanders (of Jefferson), Steel, and Witter—4.

Excused from voting—Hickman and Hyde.

Absent—Batchelder, Brainard, Dixon, and W. F. Sanders.

The title was agreed to.

On motion of Mr. Porter, C. B. No. 12, "An Act for the benefit of common schools," was taken up, out of its order, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Witter, and Mr. Speaker—20.

*Nays*—Sanders (of Jefferson), Thompson, and Vivion—3.

Absent—Brainard, Chadwick, and Word.

The title was agreed to.

On motion of Mr. Witter, C. B. No. 44, "An Act to regulate the election of county commissioners," was taken up, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—24.

*Nay*—W. F. Sanders.

Absent—Mr. Brainard.

The title was agreed to.

Mr. Mood, from the select committee of single men, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred C. B. No. 33, "An Act concerning divorce," have had the same under consideration, and respectfully report the same back to the House, with the recommendation that it do not pass, for the following reasons, to-wit:

*First.* That the bill referred to your committee provides that, under certain circumstances, marriages shall be null and void without a decree from a court having jurisdiction.

*Second.* That said bill provides, indirectly, that a wife divorced from her husband for a cause laid down in said bill, shall be deprived of her property, both real and personal.

For these reasons, your committee entertain the opinion that existing laws on the subject matter of said bill, are amply sufficient for all practicable purposes; hence our report.

MOOD, *Chairman.*

E. M. BATCHELDER.

STEELL.

WITTER.

McELROY.

R. P. VIVION.

On motion of Mr. Vivion, the report was adopted.

On motion of Mr. McElroy, C. B. No. 33, "An Act concerning divorce," was indefinitely postponed.

The following notices were given:



By Mr. Howell—A bill to insure protection to persons and property.

Also, "An Act to amend an act entitled 'An Act concerning license,' approved May 8th, 1873.

Also, a bill to provide for the care and custody of the arms and ammunition belonging to the territory of Montana, and for other purposes.

By Mr. Davis—"An Act to protect public interests."

By Mr. Robinson—"An Act to authorize the administrator of the estate of John H. Rogers to sell the property of said estate."

Also, a bill for "An Act relating to homesteads."

On motion of W. F. Sanders, the rules were suspended, and H. J. R. No. 2 was read the third time by its title, and passed by the following vote:

*Ayes*—Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—23.

*Nays*—None.

Absent—Batchelder, Brainard, and Ives.

The title was agreed to.

The following bills were introduced:

By Mr. Vivion—H. B. No. 66, a bill for "An Act to amend section 4 of an act entitled 'An Act relating to county commissioners,' approved January 9th, 1872.

By Mr. Hyde—H. B. No. 67, "An Act to prevent trespass."

By Mr. Kessler—H. B. No. 68, "An Act concerning the county poor."

By Mr. Davis—H. B. No. 69, "An Act to provide for the re-survey of the town of Helena."

H. B. No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge," was taken up, and, on motion of Mr. Porter, the House concurred in the Council amendments, and the bill was ordered enrolled.

H. B. No. 20, "An Act to protect the treasuries of the counties, and of the territory of Montana," was taken up, and, on motion of J. G. Sanders, the House concurred in the Council amendments, and the bill was ordered enrolled.

H. B. No. 1, "An Act to establish and maintain a hospital for the insane, and otherwise provide for the insane of the territory," was taken up, and, on motion of W. F. Sanders, the House concurred in the Council amendments, and the bill was ordered enrolled.

On motion of W. F. Sanders, the House concurred in Council amendments to H. J. M. No. 4, and the memorial was ordered enrolled.

C. B. No. 8, "An Act in relation to swine," was taken up, and Mr. McCormick moved that the House insist upon their amendments.

Mr. Sanders moved that the main question be now put; which motion prevailed.

And Mr. McCormick's motion, that the House insist upon their amendments to C. B. No. 8, "An Act in relation to swine," was put and carried.

On motion of Mr. McCormick, a committee of conference was appointed, consisting of McCormick, Vivion, and Galen, and the Council requested to appoint a like committee.

C. J. R. No. 2, to pay an expert for examining the Auditor's and Treasurer's books, was read first and second times, and, on motion of Mr. Chadwick, the rules were suspended, the resolution read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Word, Mr. Speaker—24.

*Nays*—None.

Absent—Messrs. Hyde and Witter.

The title was agreed to.

C. B. No. 31, "An Act to amend section 261 of the civil practice act of the territory of Montana," was read first and second times.

Mr. Howell offered the following amendment: Move to amend by inserting in section 2 "or the same value of mining property, either quartz or placer;" which was lost.

Mr. Robinson offered the following amendment: Amend section 1 by striking out the words "five thousand" where they occur, and insert in lieu thereof "two thousand and five hundred."

Mr. Witter moved to refer the bill, with the amendment, to the Committee on Territorial Affairs.

Mr. Chadwick moved to amend by referring to the Committee on Judiciary; which motion prevailed.

C. B. No. 51, "An Act to amend an act to provide for the support and maintenance of the Helena fire department," read first and second times, and Mr. Robinson moved to refer to Helena delegation.

Mr. W. F. Sanders moved that the bill be referred to the Committee on Towns and Counties; which was carried by the following vote:

*Ayes*—Batchelder, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter—18.

*Nays*—Dixon, McCormick, Mood, Porter, Robinson, Word, and Mr. Speaker—7.

Mr. McCormick, chairman of the select committee composed of the members of Missoula county, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 51, a bill for "An Act to provide means to increase the sinking fund of Missoula county," also H. B. No. 52, a bill for "An Act to provide for the payment of the indebtedness of Missoula county," approved January 24th, 1876, beg leave to report that they have had the same under consideration, and submit the following state of facts for the consideration of the House, to-wit:

That the total indebtedness of Missoula county, on the 31st day of March, 1875, including the funded and floating debt of Missoula county, amounted to the sum of \$87,985.81; that the total debt of said county, on the 31st day of March, 1876, including the funded and floating debt of said county, amounted to the sum of \$92,136.39, showing an increase in the debt of said county, between the 31st day of March, 1875, and the 31st day of March, 1876, of \$4,150.59; that this increase in the debt of said county is due in part to defective local legislation, in part to the liberal construction given to the laws regulating the powers and duties of county commissioners, and, lastly, to that extravagant system of municipal legislation that was inaugurated by the commissioners of said county during the years 1870, 1871, and 1872, in the building and construction of county buildings, public bridges, and purchase of private toll roads and bridges. To such an extent has this system of extravagance and prodigality obtained in the municipal government of our county, that, unless checked by such legislation as shall restrict and limit the expenditures of our county, and bring them within the limits of our resources, repudiation and dishonor must necessarily follow.

To avert this calamity your committee have prepared, with much care, a substitute for H. B. No. 52, referred, and believe, if adopted, will result in checking extravagance in our municipal government, and restoring the credit and finances of our county upon a sound and healthy basis.

Your committee therefore recommend that the accompanying substitute for H. B. No. 52 be adopted, and that H. B. No. 51 be rejected.

All of which is respectfully submitted.

W. J. McCORMICK.

F. C. IVES.

JAS. A. DIXON.

On motion of Mr. Batchelder, the report was adopted.

C. B. No. 52, "An Act to legalize the action of the county commissioners of Gallatin county," was read first and second times, and, on motion of W. F. Sanders, was referred to a select committee composed of the members from Gallatin county, with instructions to report a state of facts.

C. B. No. 56, "An Act to provide for the support and maintenance of the Butte City fire department," read first and second times, and, on motion of W. F. Sanders, was referred to the Committee on Towns and Counties, with instructions to bring in a bill applicable to all the towns and cities in the territory.

C. B. No. 18, "An Act to secure railroad communication to the people of Montana," read first time, and W. F. Sanders moved to reject the bill; which motion was lost by the following vote:

*Aye*—B. T. Porter.

*Nays*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Mr. Speaker—23.

Absent—Messrs. Davis and Word.

The bill was then read the second time, and, on motion of Mr. Robinson, the bill was referred to a select committee of one from each county.

Mr. Speaker appointed as such committee, Messrs. Robinson, Ives, Vivion, Hickman, Thompson, Rotwitt, J. G. Sanders, Galen, and Witter.

C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone to the eastern boundary of Deer Lodge county," read first time, and Mr. Porter moved that the bill be rejected; which motion was lost by the following vote:

*Ayes*—None.

*Nays*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, Witter, and Mr. Speaker—22.

Absent—Messrs. Davis, Kessler, Thompson, and Word.

And the bill was read the second time, and, on motion of Mr. Robinson, was referred to a select committee of one from each county, composed of Robinson, Dixon, Vivion, J. G. Sanders, Brainard, Howell, Thompson, Witter, and Kessler.

On motion of Mr. Chadwick, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

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### THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 13th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.



H. B. No. 45, "An Act to amend section 69 of the criminal practice act," approved January 12th, 1872, was ordered enrolled.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 13th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. B. No. 45, "An Act to amend section 69 of the criminal practice act," approved January 12th, 1872, passed the Council.

That C. B. No. 50, a bill to authorize the county commissioners of Deer Lodge county to perform certain duties, also, C. B. No. 39, "An Act prescribing the fees of the clerks of the district courts in the several counties of the territory, and other offices," have passed the Council.

That Ford introduced C. B. No. 57, a bill for "An Act authorizing the appointment of deputy assessors."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

C. B. No. 50, a bill to authorize the county commissions of Deer Lodge county to perform certain duties, read first and second times, and referred to a select committee, composed of the members of Deer Lodge county.

C. B. No. 39, "An Act prescribing the fees of the clerks of the district court in the several counties of the territory, and for other purposes," read first and second times, and referred to the Judiciary Committee.

C. B. No. 37, "An Act to provide against accidents in mines," read first time, and Mr. Witter moved to reject the bill; which motion was lost. The bill was then read the second time, and referred to the Committee on Mines and Minerals.

H. B. No. 62, "An Act to regulate the sale of water, and encourage the pursuits of industry," read first and second times, and referred to the Committee on Mines and Minerals.

H. B. No. 63, "An Act to amend the civil practice act," relating to practice in justices' courts, read first and second times, and referred to the Committee on Judiciary.

On motion of Mr. Howell, the vote by which C. B. No. 2, "An Act relating to the election of assessors," was lost, was reconsidered, and the bill was referred to the Judiciary Committee.

H. B. No. 64, "An Act relating to the fees of officers, and taxation of costs," read first and second times, and, on motion of Mr. Sanders, the words "ten dollars" were stricken out where they occur in the bill. The bill was then referred to the Committee on Judiciary.

Mr. Hickman in the chair.

H. B. No. 65, a bill for "An Act to amend an act entitled 'An Act to provide for the redemption of the funded debt of Lewis and Clarke county,'" approved February 5th, 1876, read first and second times.

Mr. Chadwick moved to refer to the Committee on Ways and Means.

Mr. McCormick moved to amend by referring to a select committee composed of the members of Lewis and Clarke county; which motion prevailed.

Mr. Hyde, chairman of the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that C. B. No. 15, "An Act concerning elections;" H. B. No. 35, "An Act for the relief of W. F. Wheeler;" H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana;" four copies of H. J. R. No. 4, thanks to J. P. Woolman; H. B. No. 4, "An Act to facilitate the construction of the Helena and Benton railroad;" also, H. B. No. 58, "An Act to change the name of the Stinking Water river," have been correctly enrolled.

Mr. Speaker signed C. B. No. 15, "An Act concerning elections;" H. B. No. 35, "An Act for the relief of W. F. Wheeler;" H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana;" H. J. R. No. 4, thanks to J. P. Woolman; H. B. No. 4, "An Act to facilitate the construction of the Helena and Benton railroad," and H. B. No. 58, "An Act to change the name of the Stinking Water river."

H. B. No. 66, a bill for "An Act to amend section 4 of an act entitled 'An Act relating to county commissioners,'" approved January 9th, 1872, read first time, and W. F. Sanders moved to reject the bill; which motion was lost.

The bill was then read the second time, and referred to the Committee on Territorial Affairs.

Mr. Speaker in the chair.

H. B. No. 67, "An Act to prevent trespass," was read the first and second times, and Mr. Robinson moved that the rules be suspended, the bill be considered engrossed, read the third time by title, and pass; which motion was lost.

The bill was then referred to the Judiciary Committee.

Mr. McCormick in the chair.

H. B. No. 68, a bill for "An Act concerning county poor," read first and second times, and referred to the Committee on Territorial Affairs.

H. B. No. 69, "An Act to provide for the re-survey of the town of Helena," read first and second times, and, on motion of Mr. Davis, was referred to a select committee composed of the members of Lewis and Clarke county.

Mr. Speaker in the chair.

On motion of Mr. McCormick, H. B. No. 52, "An Act to amend an act to provide for the payment of the indebtedness of Missoula

county," approved January 24th, 1876, was taken up, and the substitute for said bill was read for information.

On motion of Mr. McCormick, the substitute was adopted.

On motion of Mr. Word, the rules were suspended, the substitute considered engrossed, read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—20.

*Nays*—Chadwick, Davis, Rotwitt, Sanders (of Lewis and Clarke)—4.

Absent—Hyde and Porter.

The title was agreed to.

On motion of Mr. Word, the House took a recess until 3 o'clock P. M.

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3 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Brainard moved that the House adjourn.

Mr. Word moved a call of the House.

Roll called—absent, Davis, McCormick, Porter, J. G. Sanders, and Witter.

On motion of Mr. Word, further proceedings under the call were dispensed with.

Mr. Brainard withdrew his motion to adjourn.

Mr. Robinson moved to adjourn; motion lost.

C. B. No. 30, "An Act to provide against accidents in case of fire," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—23.

*Nays*—None.

Absent—Davis, McElroy, and Porter.

J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred H. B. No. 19, entitled "An Act to amend an act concerning license," approved May 8th, 1873; also, H. B. No. 38, entitled "An Act concerning stallions," have examined said bills, and beg leave to report the same back to the House correctly engrossed.

H. B. No. 19, "An Act to amend an act concerning license," approved May 8th, 1873, was taken up, and the Clerk was instructed to insert the letter "y" after the letters "an."

The bill was then read the third time, and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Kessler, McElroy, Mood, Robinson, Sanders (of Jefferson), Thompson, Word, Mr. Speaker—15.

*Nays*—Dixon, Rotwitt, Robbins, Sanders (of Lewis and Clarke), Steell, Vivion, and Witter—7.

Absent—Brainard, Ives, McCormick, and Porter.

The title was agreed to.

H. B. No. 38, "An Act concerning stallions," was read the third time, and passed by the following vote:

*Ayes*—Brainard, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Robinson, Robbins, Sanders (of Jefferson), Steell, Witter, Word, Mr. Speaker—18.

*Nays*—Batchelder, Chadwick, Dixon, Rotwitt, Sanders (of Lewis and Clarke), Thompson, and Vivion—7.

Absent—Mr. Porter.

The title was agreed to.

C. B. No. 45, "An Act to amend section 306 of the criminal practice act of Montana territory," approved January 12th, 1872, read the third, and lost by the following vote:

*Aye*—Mr. Word.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Mr. Speaker—22.

Mr. Porter was excused from voting.

Absent—Messrs. McCormick and Dixon.

C. B. No. 22, "An Act to amend section 190, chapter 3, of an act to regulate proceedings in civil cases in the courts of justice in the territory of Montana," approved January 12th, 1872, was read the third time, and lost by the following vote:

*Ayes*—Brainard, Kessler, Rotwitt, Thompson, Witter, Word, and Mr. Speaker—7.

*Nays*—Batchelder, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Ives, McElroy, Mood, Porter, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Vivion—16.

Absent—Dixon, McCormick, and J. G. Sanders.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 13th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk*.



H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," was ordered enrolled.

On motion of W. F. Sanders, the report of the special joint committee upon the report of the books of the Auditor and Treasurer, was adopted.

C. B. No. 29, "An Act in relation to married women," was taken up, and, on motion of W. F. Sanders, was indefinitely postponed.

On motion of Mr. Chadwick, C. B. No. 26, "An Act in relation to apprentices," was laid on the table.

On motion of W. F. Sanders, C. B. No. 38, "An Act to authorize the county commissioners of Gallatin county to issue bonds for the purpose of constructing a public highway," was indefinitely postponed.

C. B. No. 47, a bill for "An Act to establish names to certain streams in Deer Lodge county," was read for information.

On motion of W. F. Sanders, the rules were suspended, and the bill read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson—19.

*Nays*—Word and Mr. Speaker—2.

Absent—Hyde, McElroy, Sanders (of Jefferson), Vivion, Witter.

The title was agreed to.

C. J. M. No. 4 was read for information.

Mr. W. F. Sanders moved to indefinitely postpone the memorial; motion lost.

C. B. No. 23, "An Act to amend an act to protect game, fur-bearing animals, and fish in the territory of Montana," was taken up, and Mr. McCormick moved to recommit to the Committee on Judiciary.

Mr. Davis moved to amend and refer to the Committee on Grazing and Stock Growing; which motion was lost.

And Mr. McCormick's motion was lost, and the bill was read the third time and passed, as amended, by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Galen, Hyde, Kessler, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, Witter, Word—16.

*Nays*—Dixon, Hickman, Howell, Ives, McCormick, McElroy, Porter, Thompson, Mr. Speaker—9.

The title was agreed to.

C. B. No. 43, "An Act to create a good time law for the convicts of the territorial penitentiary," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Word, Mr. Speaker—20.

*Nays*—Thompson and Witter—2.

Absent—McCormick, J. G. Sanders, Steell, and Vivion.

The title was agreed to.

C. J. M. No. 4, relating to territorial officers, was read the third time, and passed by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Dixon, Galen, Howell, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Thompson, Word—16.

*Nays*—Batchelder, Hickman, Hyde, McCormick, J. G. Sanders, W. F. Sanders, Steell, Vivion, Witter, and Mr. Speaker—10.

On motion of W. F. Sanders, a call of the House was ordered.

Roll called.

On motion of Mr. Sanders (of Lewis and Clarke), further proceedings under the call were dispensed with.

On motion of Mr. Word, the House took a recess until 7 o'clock P. M.

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7 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—absent, Davis, Galen, Kessler, McCormick, Porter, Robinson, Robbins, Sanders (of Lewis and Clarke), and Steell.

H. B. No. 36, "An Act to amend section 218 of an act relating to executors and administrators," was taken up.

Mr. Word moved a call of the House.

Roll called—absent, Davis, Galen, Kessler, McCormick, Porter, Robinson, Robbins, W. F. Sanders, and Steell.

The Sergeant-at-Arms was instructed to bring in the absentees.

Mr. Davis moved that further proceedings under the call be dispensed with; which motion was lost.

On motion of Mr. Word, further proceedings under the call were dispensed with.

On motion of Mr. J. G. Sanders, H. B. No. 36, "An Act to amend section 218 of an act relating to executors and administrators," was laid on the table.

On motion of Mr. Hyde, a call of the House was ordered.

Absent—Mr. Robinson.

On motion of W. F. Sanders, further proceedings under the call were dispensed with.

Mr. Hyde moved to adjourn ; which motion was lost by the following vote:

*Ayes*—Dixon, Galen, Hickman, Howell, Hyde, Ives, McCormick, McElroy, Porter, Robbins, and Mr. Speaker—11.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Kessler, Mood, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, and Word—14.

Absent—Mr. Robinson.

H. B. No. 9, "An Act to amend an act entitled 'An Act to provide a system of common schools,'" was taken up, and, on motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Mr. Speaker—22.

*Nays*—Vivion and Word—2.

Absent—McCormick and Robinson.

The title was agreed to.

Mr. Hyde moved to adjourn ; which motion was lost.

Mr. Word moved that the House do now receive the report of the Joint Committee on Enrollment.

Mr. Robinson moved that the main question shall be now put ; which motion prevailed.

And Mr. Word's motion was then adopted.

Mr. Hyde gave notice that he would, on to-morrow, move to reconsider the vote by which the report of the Joint Committee on Enrollment was received.

Mr. Kessler, from the Joint Committee on Enrollment, reported as follows, to-wit:

MR. SPEAKER:—The Joint Enrollment Committee of the two Houses of the Legislative Assembly have compared the enrolled bill herewith presented, of H. B. No. 31, a bill for "An Act to aid in the construction of a railroad to Montana," with the engrossed bill, as it passed the two Houses, and report the same back correctly enrolled.

All of which is respectfully submitted.

N. KESSLER.

I. I. LEWIS.

Mr. McCormick in the chair.

Mr. Robinson moved that the House do now proceed to examine H. B. No. 31, "An Act to aid in the construction of a railroad to Montana;" which motion was lost.

Mr. Robinson moved that the House do now adjourn; which motion was lost.

H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," was read for information.

Mr. Speaker announced that he would now sign H. B. No. 31, "An Act to aid in the construction of a railroad to Montana."

On motion of W. F. Sanders, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

## THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 14th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Steell absent.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council :

COUNCIL CHAMBER, }  
February 13th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. C. R. No. 7, in relation to printing, has passed the Council.

That H. B. No. 25, "An Act to consolidate the offices of Meagher, Chouteau, Jefferson, Beaver Head, and Missoula counties," has passed the Council, with amendments attached.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
February 13th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 41, "An Act in relation to the redemption of real property;" also, C. B. No. 35 (title amended to "An Act in relation to liens"), have passed the Council.

That H. B. No. 33, "An Act to provide for publishing the reports of the supreme court," is herewith returned, and the Council agree to House amendments to Council amendments if the word "volume" is made to read "volumes."



That the Council refuse to concur in House amendments to C. B. No. 6, "An Act in relation to printing," and respectfully ask the House to recede.

Respectfully,  
HARRY R. COMLY, *Chief Clerk.*

Also, as follows:

COUNCIL CHAMBER, }  
February 13th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 58, title amended to read "An Act in relation to floating timber in Bozeman Creek, Gallatin county," has passed the Council, and is transmitted.

That C. B. No. 53, "An Act to exempt certain manufactories from taxation for a term of years," title agreed to.

Respectfully,  
HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Sanders (of Lewis and Clarke), the House concurred in Council amendment to House amendment to Council amendment to H. B. No. 33, "An Act to provide for the publishing of the reports of the supreme court," and the bill was ordered enrolled.

On motion of Mr. Chadwick, H. B. No. 51, "An Act to provide means to increase the sinking fund of Missoula county," was indefinitely postponed.

H. B. No. 10, "An Act to authorize the holding of county teachers' institutes," was taken up, and, on motion of Mr. Brainard, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, McElroy, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Witter, Word, Mr. Speaker—19.

*Nays*—Thompson and Vivion—2.

Absent—Hyde, Kessler, Porter, Steell.

Excused—Mr. McCormick.

The title was agreed to.

C. B. No. 3, "An Act to provide a system of common schools"—on motion of Mr. Robinson, the bill was indefinitely postponed.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 31, being a bill for "An Act to amend section 261 of chapter 1 of the civil practice act of the territory of Montana," beg leave to report that it has had the same under consideration, and recommend that the same do not pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 60, being a bill for "An Act to provide for the copying of the laws for publication," beg leave to report that it has had the same under consideration, and report the same back to the House with the accompanying substitute, with the recommendation that the substitute do pass.

On motion of Mr. Batchelder, the report was adopted.

Mr. Chadwick, from the select committee composed of the members of Lewis and Clarke county, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 65, a bill for "An Act to amend an act entitled 'An Act to provide for the redemption of the funded debt of Lewis and Clarke county,'" approved February 5th, 1876, respectfully report that there is a debt of said county drawing interest at twelve and fifteen per cent per annum, which is to become due, and is now redeemable, and your committee is of the opinion that the same can be funded at a rate of interest not exceeding ten per cent per annum, as is provided in this bill, and that the bill should pass; and the committee recommend accordingly.

All of which is respectfully submitted.

W. F. CHADWICK.  
N. KESSLER.  
W. F. SANDERS.  
GEORGE STEELL.  
JOS. DAVIS.

Report received.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 32, being "An Act for the government of unorganized counties," beg leave to report the same back to the House with the accompanying substitute, with the recommendation that the substitute do pass.

CHADWICK, *Chairman*.

On motion of Mr. Batchelder, the report was adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 41, being a bill for "An Act to protect persons and property," beg leave to report that it has had the same under consideration, and recommend that the accompanying substitute therefor do pass.

Report adopted.

Mr. Chadwick also presented the following majority report:

MR. SPEAKER:—A majority of your Committee on Judiciary, to whom was referred H. B. No. 57, being a bill for "An Act in relation to printing," beg leave to report that it has had the same under consideration, and recommend that it do not pass.

That the majority of your committee is of the opinion that the law passed at the ninth session of the Legislative Assembly, relative to printing, has greatly reduced the prices heretofore paid in the territory for all kinds of printing; and that this fact is fully demonstrated by a comparison of former rates for the publication of legal proceedings with those fixed by the act of last session.

Viewed alone as a question of theory, it may be conceded that all kinds of labor performed for the public, and at its expense, should be open to all competitors; but it is nevertheless proved, by practical experience, that this theory fails to bring about a saving to the public; that whenever this kind of work has been let upon sealed proposals, combinations exist among the few performing this kind of labor, and the profits arising from these contracts are in some manner distributed.

The majority of your committee is, therefore, of the opinion that it would be inexpedient at the present time to amend or repeal the printing act of the last session of the Legislative Assembly.

All of which is respectfully submitted.

W. F. CHADWICK.  
SAMUEL WORD.  
R. P. VIVION.  
W. J. McCORMICK.

Mr. W. F. Sanders presented the following minority report:

MR. SPEAKER:—A minority of your Committee on the Judiciary, to which committee was referred H. B. No. 57, a bill for "An Act in relation to printing," is of the opinion that, inasmuch as said law limits the expenses of such public printing to the sum now provided by law, and paid therefor, and provides that it may be reduced by inviting and encouraging competition; and, inasmuch as it abrogates a law establishing a monopoly, which is justly odious in all democratic governments; and, inasmuch as it permits the proper county officers of each county to control the printing of such county, without dictation, by officers or persons not identified with such county, nor elected thereby, the bill should pass, and recommends accordingly.

W. F. SANDERS,  
*From the Committee on the Judiciary.*

Mr. Rotwitt moved to adopt the minority report.

Mr. McCormick moved to amend by adopting the majority report; which motion prevailed, and the motion, as amended, was passed by the following vote:

*Ayes*—Brainard, Chadwick, Dixon, Galen, Howell, McCormick, McElroy, Mood, Porter, Robinson, Robbins, Vivion, Word, Mr. Speaker—14.

*Nays*—Batchelder, Davis, Hickman, Ives, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Witter—9.

Absent—Hyde, Kessler, and Steell.

On motion of W. F. Sanders, Mr. Steell was granted leave of absence for the day.

Mr. Hyde reported :

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred C. B. No. 51, being "An Act to provide for the support and maintenance of the Helena fire department," beg leave to report the same back to the House, with the recommendation that it do pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred C. B. No. 56, being "An Act to provide for the support and maintenance of the Butte City fire department," beg leave to report the same back to the House, with the recommendation that the same do pass.

Your committee do further report that they have had under consideration the direction of the House to prepare a bill, general in its application to all towns of the territory, relative to a fire tax; and that it is satisfied that such a bill would not meet with the approbation of the House.

Also, as follows:

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred two petitions from citizens of Lewis and Clarke and Chouteau counties, regarding the organization of Dearborn county, ask leave to report the same back to the House, and recommend that further consideration of the same be indefinitely postponed.

On motion, the petitions above referred to were laid on the table.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. J. R. No. 5, beg leave to report the same back to the House, with the recommendation that it do pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. J. R. No. 3, for the relief of Kerley, McQuaid, and Lacroix, beg leave to report the same back to the House, with the accompanying substitute, which the committee recommends be adopted in lieu of original resolution, and that said substitute do pass.

On motion of Mr. Howell, the report was adopted.

Mr. McCormick, chairman of the Committee on Federal Relations, reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred H. J. M. No. 3, praying for a grant of land in aid of a territorial insane asylum, beg leave to report the same back, with the recommendation that it do pass.

Mr. McCormick, chairman of the conference committee, reported as follows:

MR. SPEAKER:—Your committee of conference on C. B. No. 8, being "An Act in relation to swine," beg leave to report that they have met the conferrees from the Council, and have had under consideration the disagreement of the two Houses as to House amendments to said bill, and, while your committee is of the opinion that the House amendments to said bill are just, and should be concurred in by the Council, yet, as the provisions of the bill are wise in all other respects, we think it better that the House should recede from its amendments to section 2 of the bill, striking out the words "and fifty," than that the bill should fail to become a law.

All of which is respectfully submitted.

W. J. McCORMICK.

H. F. GALEN.

R. P. VIVION.

Mr. McCormick moved that the report be adopted; motion carried.

On motion of Mr. McCormick, the House receded from their amendments to C. B. No. 8, "An Act in relation to swine."



Mr. Vivion, from the select committee to whom was referred C. B. No. 52, "An Act to legalize the action of the county commissioners of Gallatin county," reported as follows:

MR. SPEAKER:—Your select committee to whom was referred C. B. No. 52, "An Act to legalize the action of the county commissioners of Gallatin county, have had the same under consideration, and respectfully report the same back to the House, with the recommendation that the bill do pass, with the following amendment, to-wit: Insert after the word "commissioners," and before the word "in," in lines 1 and 2 of section 1, the words "of the county of Gallatin, in the territory of Montana."

Your committee find, as a fact, and submit the following statement: That the law provides that the tax be levied by the county commissioners on the first Monday after the first day of January in each year, after the year 1872; that the county commissioners of Gallatin county, under a misapprehension of the law, or through a mistake, levied the tax for the year 1877 upon the first Monday of January, that being the first day of said month, in said year.

R. P. VIVION, *Chairman.*

On motion of Mr. Vivion, the bill was recommitted to the select committee, composed of the members of Gallatin county.

Mr. J. G. Sanders, from the select committee to whom was referred C. B. No. 21, "An Act to secure to the people of Montana a railroad from the head of navigation on the Yellowstone river," made the following majority report:

MR. SPEAKER:—A majority of your select committee to whom was referred C. B. No. 21, entitled "An Act to secure to the people of Montana territory a railroad from the head of navigation on the Yellowstone river, a distance of three hundred miles westward, on a line of the Northern Pacific Railroad survey," have had the same under consideration, and report the same back to the House, and recommend that said bill do not pass. It is the opinion of a majority of your committee that the passage of the act, and the building of the road therein contemplated, would not meet the wants of a majority of the people of our territory. That the water

course with which, by the provisions of this act, it is proposed to place us in communication, is navigable but for a small portion of the year; and that without the completion of that portion of the said Northern Pacific Railroad lying between the Yellowstone river and Bismarck, your committee would deem said road of doubtful utility.

All of which is respectfully submitted.

J. G. SANDERS.

A. C. WITTER.

H. B. BRAINARD.

N. KESSLER.

W. A. THOMPSON.

Mr. Vivion, from the same committee, submitted the following minority report:

MR. SPEAKER:—A minority of your select committee to whom was referred C. B. No. 21, "An Act to secure to the people of Montana territory a railroad from the head of navigation on the Yellowstone river, a distance of three hundred miles westward, on the line of the Northern Pacific Railroad survey," have had the same under consideration, and respectfully report the following statement of facts, to-wit:

*First.* That the railroad, the construction of which the provisions of the bill referred to your committee are intended to encourage, is a broad guage railroad; and if the proposition contained in the bill be accepted for the construction of said railroad, the entire length thereof will be within the limits of our territory, and will afford a greater source of revenue to the people than any other railroad now proposed to be constructed into this territory.

*Second.* That, by the provisions of said bill, the said railroad will pass through the most populous portions of our territory, and thereby command a greater trade than any other road.

*Third.* That the construction of said railroad would give to the people of our territory the most direct and shortest outlet to the eastern states; that it would open up for settlement an extensive farming and stock growing country, within the limits of our territory, now unsettled.

*Fourth.* That, by the provisions of said bill, the people are amply protected against fraud in the issuance of the bonds therein provided for.

*Fifth.* That, from information received from private sources, a minority of your committee are of the opinion that the proposition made by the Northern Pacific Railroad Co. to the Legislative Assembly of this territory, is made in good faith, and, if the subsidy in said bill mentioned, be voted by this House, and is ratified by the people, that said road will be constructed as per terms of the bill; for which reasons your committee recommend that the bill do pass without amendment.

J. C. ROBINSON, *Chairman.*

R. P. VIVION.

H. S. HOWELL.

J. A. DIXON.

Mr. Chadwick moved that the majority report be adopted.

Mr. Vivion moved to amend by adopting the minority report.

Mr. Sanders (of Lewis and Clarke) moved that the bill, with the reports, be made the special order for 2:30 o'clock P. M.; which motion prevailed.

Mr. McElroy reported as follows:

MR. SPEAKER:—Your Committee on Mines and Minerals, to whom was referred H. B. No. 62, beg leave to report that we have had the same under consideration, and recommend that it do pass.

McELROY, *Chairman.*

Also, as follows:

MR. SPEAKER:—Your Committee on Mines and Minerals, to whom was referred C. B. No. 37, beg leave to report that they have had the same under consideration, and do not believe that the same should become a law; we therefore recommend that it do not pass.

Mr. Brainard reported as follows:

MR. SPEAKER:—Your Committee on Territorial Affairs, to whom was referred H. B. No. 68, "An Act concerning county poor,"

have had the same under consideration, and would respectfully recommend that the said bill do pass.

Also, as follows :

MR. SPEAKER:—Your Committee on Territorial Affairs, to whom was referred H. B. No. 66, a bill for “An Act to amend section 4 of an act entitled ‘An Act relating to county commissioners,’” approved January 9th, 1872, have had the same under consideration, and beg leave to report the said bill back, with the recommendation that it do pass.

Mr. J. G. Sanders gave notice that he would introduce a bill for “An Act creating a board of equalization for the territory of Montana.”

The following bills were introduced :

By Mr. Howell—H. B. No. 70, “An Act to provide for the care and custody of the arms belonging to the territory of Montana, and for other purposes.”

By Davis—H. B. No. 71, “An Act to protect the public interest.”

By J. G. Sanders—H. B. No. 72, “An Act to prescribe the duties of county commissioners.”

By Robinson—H. B. No. 73, “An Act relative to homesteads.”

Also, H. B. No. 74, “An Act to authorize the administrator of the estate of Jno. H. Rodgers, deceased, to sell the property of said estate.”

By Sanders (of Lewis and Clarke)—H. B. No. 75, a bill for “An Act to amend the Helena incorporation act.”

By Robinson—H. B. No. 77, “An Act to amend an act to establish and regulate the fees of assessors, coroners, and other officers in the territory of Montana.”

On motion of W. F. Sanders, the following concurrent resolution was adopted :

*Resolved, by the House of Representatives (the Council concurring),* That His Excellency the Governor be requested to hereafter note, in the executive journal, the hour of his approval of the bills which shall have passed both Houses and be presented to him for his approval; unless, in his opinion, such action is incompatible with the rules of his office or the public interest.

On motion of Mr. Witter, the House refused to concur in Council amendments to H. B. No. 25, "An Act to consolidate the offices of Meagher, Chouteau, Jefferson, Beaver Head, and Missoula counties," and ask the Council to recede.

On motion of W. F. Sanders, the House insist on their amendments to C. B. No. 6, "An Act in relation to printing the centennial address of W. A. Clark, Esq."

C. B. No. 53, "An Act to exempt certain manufactories from taxation for a term of years," was read first time.

W. F. Sanders moved to reject; which motion was lost.

The bill was then read the second time.

Mr. Chadwick moved that the bill be indefinitely postponed; which motion was lost.

On motion of Mr. Chadwick, the bill was referred to the Committee on Indian Affairs.

C. B. No. 58, "An Act in relation to floating timber in Bozeman creek, in Gallatin county," was read first time.

Mr. Davis moved to reject; which motion was lost.

The bill was then read the second time.

Mr. Thompson moved to indefinitely postpone the bill; which motion was lost.

W. F. Sanders moved to refer the bill to the members of Gallatin county proper.

Mr. Hyde moved to amend by referring to the Committee on Judiciary; which motion prevailed, and the bill was so referred.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were presented to the Governor for his approval at 2:30 P. M., February 13th, 1877:

C. B. No. 15, "An Act concerning elections."

H. B. No. 35, "An Act for the relief of W. F. Wheeler."

H. B. No. 22, "An Act to encourage the manufacture of woolen fabrics in the territory of Montana."

H. J. R. No. 4, thanks to J. P. Woolman.

H. B. No. 4, "An Act to facilitate the construction of the Helena and Benton railroad."

Also, H. B. No. 58, "An Act to change the name of Stinking Water river."

Also, as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that H. B. No. 31, "An Act to aid in construction of a railroad to Montana," was presented to the Governor at 11:53 o'clock P. M., February 13th, 1877.

HYDE.  
KESSLER.

On motion of Mr. Word, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Steell absent on leave.

C. B. No. 35, "An Act to amend chapter 40 of the codified statutes," read first and second times, and referred to the Judiciary Committee.



C. B. No. 41, "An Act in relation to the redemption of real property," read first and second times, and referred to the Judiciary Committee.

C. C. R. No. 7, read first and second times, and referred to the Committee on Education and Labor.

On motion of Mr. W. F. Sanders, the rules were suspended, and H. B. No. 41, "An Act to protect persons and property," was taken up, out of its order.

The substitute was read for information.

On motion of Mr. Sanders (of Lewis and Clarke), the Clerk was instructed to change the number of the last section from 10 to 11.

Mr. Robinson moved to refer the bill, with the substitute, to the Committee on Mines and Minerals; which motion was lost.

Mr. Robinson moved to indefinitely postpone the substitute.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 14th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council insists on its amendments to H. B. No. 25, "An Act to consolidate the offices of Meagher, Chouteau, Jefferson, Beaver Head, and Missoula counties."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

The hour having arrived at which C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone to the eastern boundary of Deer Lodge county," was made the special order, Mr. Chadwick moved that the consideration of the bill be postponed, and made the special order for 11 o'clock A. M. to-morrow; which motion was lost by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Hickman, Howell, Kessler, Porter, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Witter, Word, Mr. Speaker—12.

*Nays*—Batchelder, Dixon, Galen, Ives, McCormick, McElroy, Mood, Rotwitt, Robinson, Robbins, Thompson, Vivion—12.

Absent—Hyde and Steell.

On motion of W. F. Sanders, the bill and reports was made the special order for 3:30 o'clock this P. M.

Upon Mr. Robinson's motion to indefinitely postpone H. B. No. 41, "An Act to protect persons and property," Mr. Robinson called for the previous question; which was put and prevailed.

And upon the question of indefinitely postponing the bill, the ayes and nays were called, and the motion was lost by the following vote:

*Ayes*—Porter, Robinson, and Thompson—3.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Vivion, Witter, Mr. Speaker—21.

And, on motion of Mr. Sanders (of Lewis and Clarke), the substitute was adopted.

On motion of Mr. W. F. Sanders, the rules were suspended, the substitute was considered engrossed, and the bill was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Witter, Word, Mr. Speaker—23.

*Nays*—Porter and Robinson—2.

Absent—Steell.

The title was agreed to.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled:

C. B. No. 44, "An Act to regulate the election of county commissioners."

C. J. R. No. 2, to pay an expert for examining the Treasurer's and Auditor's books.

H. B. No. 1, "An Act to establish and maintain an insane asylum, and otherwise provide for the insane of the territory."

H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly."

C. B. No. 51, "An Act to amend an act to provide for the support and maintenance of the Helena fire department," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Witter, Word, and Mr. Speaker—24.

*Nay*—Mr. Robinson.

Absent—Mr. Steell.

The title was agreed to.

On motion of Mr. Brainard, the Speaker appointed Messrs. Brainard, Vivion, Ives, and Witter as a committee of conference upon H. B. No. 25, "An Act to consolidate the offices of Meagher, Chouteau, Jefferson, Beaver Head, and Missoula counties," and request the Council to appoint a like committee.

C. B. No. 56, "An Act to provide for the support and maintenance of the Butte City fire department," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Witter, Word, and Mr. Speaker—22.

*Nays*—None.

Absent—Brainard, Davis, Hyde, and Steell.

The title was agreed to.

H. B. No. 70, "An Act to provide for the care and custody of the arms belonging to the territory of Montana, and for other purposes," was read the first and second times, and referred to the Committee on Military Affairs.

On motion of Mr. Word, C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone to the eastern boundary of Deer Lodge county," was made the special order for 11 o'clock A. M., to-morrow, by the following vote:

*Ayes*—Chadwick, Davis, Galen, Mood, Porter, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Witter, and Word—11.

*Nays*—Batchelder, Dixon, Hickman, Howell, Ives, McCormick, McElroy, Robinson, Robbins, and Vivion—10.

Absent—Brainard, Hyde, Kessler, Steell, and Mr. Speaker.

**Mr. McCormick** in the chair.

Mr. Vivion, from select committee, reported as follows:

MR. SPEAKER:—Your select committee to whom was referred C. B. No. 52, "An Act to legalize the action of the county commissioners of Gallatin county," have had the same under consideration, and respectfully report the same back to the House, with the recommendation that the bill do pass, with the following amendment: Strike out section 1, and insert in lieu thereof:

"Section 1. That the levy of taxes for the year 1877 by the board of county commissioners of Gallatin county, Montana territory, is hereby declared to be as valid to all intents and purposes whatsoever, as if the said levy of taxes had been made on the day prescribed by law."

Your committee submit the following state of facts: That the law provides that the tax be levied by the the county commissioners on the first Monday after the first day of January in each year, after the year 1872; that the county commissioners of Gallatin county, under a misapprehension of the law, or through a mistake, levied the tax for the year 1877 upon the first day of January.

VIVION, *Chairman.*

On motion of Mr. Vivion, the report was adopted.

On motion of Mr. Vivion, the amendments, as reported, were adopted.

On motion of Mr. W. F. Sanders, the rules were suspended, and C. B. No. 52, "An Act to legalize the action of the county commissioners of Gallatin county," was read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke) Thompson, Vivion, and Witter—21.

*Nays*—None.

Absent—Brainard, McElroy, Steell, Word, and Mr. Speaker.

The title was agreed to.

On leave, J. G. Sanders introduced H. B. No. 77, "An Act to create a board of equalization for the territory of Montana."

H. B. No. 71, "An Act to protect the public interest," was, on motion of W. F. Sanders, read the first and second times by its title, and, on motion of Mr. Chadwick, was referred to the Committee on Judiciary.

H. B. No. 72, "An Act to prescribe the duties of county commissioners," was read first and second times, and referred to the Committee on Towns and Counties.

H. B. No. 73, "An Act relating to homesteads," was read first and second times, and Mr. Robinson moved to suspend the rules, consider the bill engrossed, read the third time, and put upon its final passage; which motion was lost. The bill was then referred to the Judiciary Committee.

H. B. No. 74, "An Act to authorize the administrator of the estate of John H. Rodgers, deceased, to sell the property of said estate," was read first and second times, and, on motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, and Mr. Speaker—20.

*Nays*—Chadwick, Dixon, and Word—3.

Absent—Brainard, Steell, and Witter.

The title was agreed to.

H. B. No. 75, a bill for "An Act to amend the Helena incorporation act," was read the first and second times, and, on motion of Mr. Word, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nays*—None.

Excused—Mr. Robinson.

Absent—Mr. Steell.

H. B. No. 76, a bill for "An Act to amend an act to establish and regulate the fees of assessor, coroner, and other officers in the territory of Montana," read first and second times, and referred to the Committee on Ways and Means.



H. B. No. 77, "An Act to create a board of equalization for the territory of Montana," read first and second times, and referred to the Committee on Ways and Means.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 14th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 57, "An Act authorizing the appointment of deputy assessors," has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Mayhew, the House took up C. B. No. 57, a bill for "An Act authorizing the appointment of deputy assessors." The bill was read the first and second times.

On motion of Mr. Chadwick, the following amendment was adopted:

Add to section 1: "*Provided*, That before any deputy assessor so appointed shall enter upon the discharge of any official duty, such appointment shall be approved by the board of county commissioners."

The bill, as amended, was referred to the Committee on Ways and Means.

On motion of Mr. Vivion, the House adjourned.

A. E. MAYHEW,  
*Speaker of the House of Representatives.*

Attest: A. H. BARRET, *Chief Clerk.*

## THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }  
February 15th, 1877. }

The House met pursuant to adjournment — Mr. Speaker in the chair.

Roll called — members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 14th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have reconsidered the vote by which H. B. No. 31, "An Act to aid in the construction of a railroad to Montana," passed the Council.

That H. B. No. 3, "An Act imposing certain duties upon the Governor of the territory," has passed the Council with amendments and title amended.

That H. B. No. 61, "An Act in relation to probate courts and estates of deceased persons," has passed the Council with amendments.

That H. B. No. 43, "An Act to authorize the several counties of the territory to change their county seats on certain conditions," has passed the Council with amendments.

That the Council have concurred in House amendments to C. B. No. 52, "An Act to legalize the action of the county commissioners of Gallatin county."

That the Council have appointed Messrs. Lewis, Watson, Ford, and Waterbury a committee of conference on H. B. No. 25.

That H. C. R. No. 5 has passed the Council.

That H. B. No. 59, "An Act to provide a code of civil procedure in the territory of Montana," has passed the Council with amendments.

That H. B. No. 74, "An Act to authorize the administrator of the estate of John H. Rodgers, deceased, to sell the property of said estate," has passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 74, "An Act to authorize the administrator of the estate of John H. Rodgers, deceased, to sell the property of said estate," was ordered enrolled.

Mr. McCormick in the chair.

On motion of W. F. Sanders, Rev. Mr. Wright, Chaplain of this House, was granted leave of absence for to-morrow.

On motion of Mr. Chadwick, H. B. No. 59, "An Act to provide a code of civil procedure for the territory of Montana," was taken up, and the amendments of the Council were concurred in.

On motion of Mr. Chadwick, the Enrolling Clerk was ordered to enroll the amendments in the bill, and that the bill be considered enrolled.

On motion of Mr. Mayhew, H. B. No. 61, "An Act relating to probate courts and the estates of deceased persons," was taken up and the Council amendments concurred in; and that the Enrolling Clerk be instructed to enroll the amendments in the bill, and that, as done, the bill be considered enrolled.

Mr. Brainard, chairman of the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER:—Your Committee on Territorial Affairs, to whom was referred H. B. No. 48, a bill to repeal "An Act to provide for the collection of statistics," approved January 12th, 1872 (chapter 89, codified statutes), report a substitute, and recommend it do pass.

On motion of W. F. Sanders, H. B. No. 48, a bill to repeal, 'An Act to provide for the collection of statistics," approved January 12th, 1872, with the substitute reported, was indefinitely postponed.

On motion of Mr. Mayhew, H. B. No. 62, "An Act to regulate the sale of water and to encourage the pursuits of industry," was taken up, out of its order.

On motion of Mr. Mayhew, the bill was considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Hickman, Ives, McCormick, McElroy, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Steell, Thompson, Witter, Mr. Speaker—17.

*Nays*—Galen, Howell, Mood, Robbins, Vivion, and Word—6.

Absent—Hyde, Kessler, and Sanders (of Lewis and Clarke).

The title was agreed to.

Mr. Brainard reported as follows, from the conference committee to whom was referred H. B. No. 25, "An Act to consolidate the offices of Meagher, Chouteau, Jefferson, Beaver Head, and Missoula counties:"

MR. SPEAKER:—Your committee of conference to whom was referred Council amendment to H. B. No. 25, "An Act to consolidate certain offices in certain counties of the territory of Montana," have met their conferrees of the Council, and have had said amendment under consideration, and respectfully report that the said joint committee have agreed to substitute the following for Council amendment:

Strike out "Beaver Head county," and in lieu thereof insert the word "Gallatin" wherever the word "Beaver Head" occurs in the bill; and add the words: "*Provided*, That this act shall apply to Gallatin county in all its provisions, save and except as to the offices of probate judge and county clerk, which offices shall not in any case be consolidated in said county of Gallatin."

With this change in Council amendment, your committee recommend that the bill do pass.

E. B. WATERBURY.

R. S. FORD.

I. I. LEWIS.

T. WATSON.

H. B. BRAINARD.

R. P. VIVION.

F. C. IVES.

On motion of Mr. Brainard, the House concurred in the amendments of the Council, and the amendments reported by the conference committee.

H. J. R. No. 5 was taken up, and, on motion of Mr. Word, the rules were suspended, the resolution read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McCormick, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Word, Mr. Speaker—23.

*Nays*—None.

Absent—Hyde, McElroy, and Witter.

The hour having arrived at which C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone to the eastern boundary of Deer Lodge county," was made the special order, the motion to adopt the minority report of the committee was taken up; upon which the ayes and nays were called.

Pending which motion, on motion of Mr. Word, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. McCormick in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 15th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. J. R. No. 5 has passed the Council, and is transmitted.

That Brown introduced C. B. No. 59, "An Act concerning dogs."

That the Council adhere to their disagreement on C. B. No. 6, "An Act in relation to printing."

That H. B. No. 52, "An Act in relation to the collection and disbursement of the revenues of Missoula county, and for other purposes," has passed the Council with amendments—title agreed to.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Chadwick, a call of the House was ordered.

Roll called—absent, Davis, Galen, and Thompson.

On motion of Mr. Vivion, further proceedings under the call were dispensed with.

On motion of Mr. Mayhew, C. B. No. 21, "An Act to encourage the construction of a railroad," was made the special order for 2:30 o'clock P. M.

Mr. Sanders (of Lewis and Clarke) introduced H. J. R. No. 6; was read first and second times, and, on motion, the rules were suspended, the resolution considered engrossed, read the third time, and passed by the following vote:

*Aye*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, Word, Mr. Speaker—24.

*Nays*—None.

Absent—Messrs. Davis and Vivion.

The title was agreed to.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were presented to the Governor for his approval, at 11:15 A. M., February 15th, 1877:



C. B. No. 44, "An Act to regulate the election of county commissioners."

C. J. R. No. 2, to pay an expert for examining the Treasurer's and Auditor's books.

H. B. No. 1, "An Act to establish and maintain an insane asylum, and otherwise provide for the insane of the territory."

H. B. No. 14, "An Act re-apportioning the members of the Legislative Assembly."

H. J. R. No. 5 was ordered enrolled.

H. B. No. 60, "An Act to provide for the publication of the laws," was taken up, and, on motion of Mr. Chadwick, the substitute was adopted.

Mr. Robinson moved to strike out the word "fifteen," and insert "ten" in lieu thereof.

Mr. Chadwick moved to amend the amendment by striking out the word "ten," and insert "twelve and one-half;" which motion was lost.

Mr. Robinson's amendment was then adopted, and the Clerk was instructed to insert the amendment in the bill in the presence of the House; which was done.

On motion of Mr. Hickman, the rules were suspended, the bill considered engrossed, read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, and Mr. Word—23.

*Nay*—W. F. Sanders—1.

Absent—Mr. Kessler.

The title was agreed to.

On motion of Mr. Vivion, a call of the House was ordered.

Roll called—absent, Mr. Mayhew.

On motion of Mr. Vivion, further proceedings under the call were dispensed with.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled:

C. B. No. 8, "An Act in relation to swine."

Four copies of C. J. M. No. 1, in relation to a mail route from Bozeman City, Montana territory, to the city of Cheyenne, in the territory of Wyoming.

C. B. No. 12, "An Act for the benefit of common schools."

C. B. No. 47, "An Act to establish names to certain streams in Deer Lodge county."

C. B. No. 23, "An Act to amend section 4 of an act entitled 'An Act to protect fur-bearing animals and fish in the territory of Montana.'"

H. B. No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge."

H. B. No. 20, "An Act to protect the treasuries of the counties and of the territory of Montana."

Also, four copies of H. J. M. No. 4, in relation to lands for free schools.

HYDE.

Mr. Speaker announced that he would now proceed to sign H. J. M. No. 4; H. B. No. 12, "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge; H. B. No. 20, "An Act to protect the treasuries of the several counties and of the territory of Montana;" C. B. No. 23, "An Act to amend section 4 of an act entitled 'An Act to protect game, fur-bearing animals, and fish in the territory of Montana;'" C. B. No. 8, "An

Act in relation to swine;" C. B. No. 47, a bill for "An Act to establish names to certain streams in Deer Lodge county;" C. B. No. 12, "An Act for the benefit of common schools;" also, C. J. M. No. 1.

The House then proceeded to consider C. B. No. 21, "An Act to encourage the construction of a railroad from the head of navigation on the Yellowstone to the eastern boundary of Deer Lodge county."

Upon Mr. Vivion's motion to adopt the minority report, the ayes and nays were demanded.

*Ayes*—Batchelder, Dixon, Hickman, Howell, Hyde, Ives, McCormick, Robinson, Robbins, Vivion, and Mr. Speaker—11.

*Nays*—Brainard, Chadwick, Davis, Galen, Kessler, McElroy, Mood, Porter, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Word—15.

Mr. Chadwick's motion to adopt the majority report was carried by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Galen, Kessler, McElroy, Mood, Porter, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Word—15.

*Nays*—Batchelder, Dixon, Hickman, Howell, Hyde, Ives, McCormick, Rotwitt, Robbins, Vivion, and Mr. Speaker—11.

On motion of W. F. Sanders, the bill was then indefinitely postponed, by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Dixon, Galen, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Word—17.

*Nays*—Batchelder, Hickman, Howell, Hyde, Ives, McCormick, Robbins, Vivion, and Mr. Speaker—9.

Mr. Robinson gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 21, "An Act to encourage

the construction of a railroad from the head of navigation on the Yellowstone," was passed.

Mr. W. F. Sanders moved to reconsider now.

Mr. W. F. Sanders moved to lay that motion on the table; which motion prevailed, by the following vote:

*Ayes*—Chadwick, Davis, Dixon, Hickman, Howell, Kessler, McElroy, Mood, Porter, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Word—16.

*Nays*—Batchelder, Galen, Hyde, Ives, McCormick, Robinson, Robbins, Vivion, and Mr. Speaker—9.

Mr. Sanders moved to adopt substitute for C. B. No. 32, "An Act for the organization of unorganized counties;" motion carried.

On motion of Mr. Sanders (of Lewis and Clarke), the following amendment was adopted: "After June 1st, 1877."

The amendments were then ordered engrossed for third reading.

C. B. No. 31, "An Act to amend section 261 of the civil practice act of the territory of Montana," was read for information.

Mr. Chadwick moved that the bill be indefinitely postponed; which motion was lost.

Mr. Speaker in the chair.

On motion of Mr. Word, the bill was referred to the Committee on Territorial Affairs.

Mr. Word, chairman of the Committee on Ways and Means, reported as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. B. No. 77, "An Act to create a board of equalization for the territory of Montana," beg leave to report the same back to the House without recommendation.

Also, as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred H. B. No. 76, "An Act to amend an act to establish

and regulate the fees of assessors and other officers in the territory of Montana," beg leave to report the same back to the House, with the recommendation that the bill do pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred C. B. No. 57, "An Act authorizing the appointment of deputy assessors," with the amendment offered in the House, beg leave to report the same back to the House, with the recommendation that the amendment offered in the House be adopted, and that the bill, as amended, do pass.

Mr. Chadwick, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 41, a bill for "An Act in relation to the redemption of real property," beg leave to report that it has had the same under consideration, and recommend that it do not pass; that your committee is of the opinion that our present redemption law is liberal and just, and that it would be unwise to change it.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 67, a bill for "An Act to prevent trespass," beg leave to report that it has had the same under consideration, and recommend that the same do not pass; that your committee is of the opinion that the provisions of the civil and criminal practice acts contain substantially the provisions of this bill.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 2, a bill for "An Act providing for the election of county assessors," beg leave to report that it has had the same under consideration, and recommend that section 3 thereof be amended so as to read as follows:

"Section 3. No person who shall have served one term of two years as assessor, in any county, shall be eligible to the next suc-

ceeding term: *Provided*, That the provisions of this act shall not apply to the election of assessor, or his eligibility to such office, in those counties wherein it is provided by law that the sheriff shall be, by virtue of his office, *ex officio* assessor."

And that the bill, so amended, do pass.

CHADWICK, *Chairman*.

On motion of Mr. Chadwick, the report was adopted.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 35, a bill for "An Act to amend chapter 40 of the codified statutes," beg leave to report that it has had the same under consideration, and recommend that the same do pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred C. B. No. 58, a bill for "An Act in relation to floating timber in small streams," beg leave to report that it has had the same under consideration, and recommend that the same do not pass.

Also, as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 76, a bill for "An Act relating to homesteads," beg leave to report that it has had the same under consideration, and recommend that it do not pass.

Mr. Ives, chairman of the Committee on Education and Labor, reported as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was referred C. C. R. No. 7, in relation to printing, beg leave to report that they have had said resolution under consideration, and report the same back, recommending its adoption.

Mr. Howell, chairman of the Committee on Military Affairs, reported as follows:

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred H. B. No. 70, "An Act to provide for the care and



custody of the arms belonging to the territory of Montana, and for other purposes," respectfully report that they have had the same under consideration, and recommend that the bill do pass.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that C. B. No. 43, "An Act to create a good time law for the convicts of the territorial penitentiary," has been correctly enrolled.

Also, as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were presented to the Governor for his approval at 3:25 P. M., February 15th, 1877: C. B. No. 8; C. B. No. 47; H. B. No. 12; C. B. No. 12; C. B. No. 23; H. B. No. 20.

On motion of Mr. W. F. Sanders, the rules were suspended, and the following report was received from a majority of the Judiciary Committee:

MR. SPEAKER:—The majority of your Committee on Judiciary, to whom was referred H. B. No. 53, "An Act concerning corporations," beg leave to report that it has had the same under consideration, and recommend that the accompanying substitute do pass.

W. F. CHADWICK.

W. F. SANDERS.

R. P. VIVION.

W. J. McCORMICK.

H. B. No. 57, a bill in relation to printing, was taken up, and Mr. Chadwick moved that it be indefinitely postponed; which motion prevailed by the following vote:

*Ayes*—Brainard, Chadwick, Dixon, Howell, Hyde, McCormick, McElroy, Robinson, Robbins, Thompson, Vivion, Word, and Mr. Speaker—13.

*Nays*—Batchelder, Galen, Hickman, Kessler, Mood, Porter, Rotwitt, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Witter—11.

C. B. No. 37, "An Act to provide against accidents in mines," was, on motion of Mr. Witter, indefinitely postponed.

H. B. No. 66, "An Act to amend section 4 of an act relating to county commissioners," approved January 9th, 1872, was, on motion of Mr. W. F. Sanders, indefinitely postponed.

On motion of Mr. McCormick, the House concurred in Council amendments to H. B. No. 52, "An Act to provide for the payment of the indebtedness of Missoula county;" and the bill was ordered enrolled.

H. B. No. 65, "An Act to amend an act entitled 'An Act to provide for the redemption of the funded debt of Lewis and Clarke county,'" approved February 5th, 1876. On motion of W. F. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—22.

*Nays*—None.

Absent—Davis, McCormick, and McElroy.

Excused—Mr. Robinson.

The title was agreed to.

On motion of Mr. Chadwick, the rules were suspended, and H. J. M. No. 3, asking Congress to aid in maintaining an insane asylum, was considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood,

Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nays*—Messrs. Davis and Sanders (of Lewis and Clarke)—2.

The title was agreed to.

Mr. Robinson moved that the consideration of the Secretary's communication be indefinitely postponed; which motion was lost.

On motion of W. F. Sanders, the communication of the Secretary was referred to the Committee on Judiciary.

H. B. No. 53, "An Act concerning corporations." On motion of W. F. Sanders, the substitute was adopted.

Mr. Sanders (of Lewis and Clarke) moved to suspend the rules, and consider the bill engrossed.

Mr. Robinson moved to adjourn; which motion was lost by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Galen, Hickman, Hyde, McCormick, Mood, Rotwitt, Robinson, Robbins, Word—12.

*Nays*—Batchelder, Dixon, Howell, Ives, Kessler, McElroy, Porter, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, Witter—12.

On motion of Mr. Sanders (of Lewis and Clarke), the House took a recess until 7:30 o'clock P. M.

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7:30 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mr. McCormick.

Mr. Sanders's (of Lewis and Clarke) motion to consider H. B. No. 53, "An Act concerning corporations," engrossed, was lost.

Mr. Robinson moved a call of the House.

Absent—Mr. McCormick.

W. F. Sanders moved that further proceedings under the call be dispensed with; motion lost.

Mr. Thompson moved that further proceedings under the call be dispensed with; which motion was lost.

On motion of Mr. Brainard, further proceedings under the call were dispensed with.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that C. B. No. 43 was presented to the Governor at 7:45 P. M., February 15th, 1877.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 15th, 1877. }

MR. SPEAKER:—I am directed to inform your honorable body that the following bills have passed the Council, to-wit:

Substitute for H. B. No. 60, "An Act to provide for the copying of the laws for publication;"

H. J. R. No. 6;

H. B. No. 62, "An Act to regulate the sale of water and encourage the pursuits of industry;"

H. B. No. 10, "An Act to authorize the holding of county teachers' institutes," with amendments;

H. B. No. 19, "An Act to amend an act concerning license," approved May 8th, 1873, with amendments;

H. J. R. No. 2, with amendments;

Also H. B. No. 75, "An Act to amend the Helena incorporation act;"

And are herewith transmitted.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 75, "An Act to amend the Helena incorporation act;" H. B. No. 62, "An Act to regulate the sale of water and encourage the pursuits of industry;" H. B. No. 60, "An Act to provide for the copying of the laws for publication;" and H. J. R. No. 6, were ordered enrolled.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled: C. B. No. 52; C. B. No. 30; C. J. M. No. 4; C. B. No. 56; C. B. No. 51.

Mr. Robinson offered the following amendment to H. B. No. 53, "An Act concerning corporations;" which amendment was lost:

Amend section 1 by striking out the words "and the names of a like number of trustees, who may or may not be the singers of such certificate," where they occur in said section.

On motion of Mr. Robinson, the following amendment was adopted: Strike out the word "may," in line 2, section 3, and insert "shall" in lieu thereof.

Mr. Robinson offered the following amendment:

Amend section 3 as follows: Strike out of said section the following: "One or more places, one of which shall be in this territory," where they occur therein, and insert in lieu thereof "the place of business of such corporation, which shall be in the county where its works are situated."

On motion of Mr. Sanders (of Lewis and Clarke), H. B. No. 53, "An Act concerning corporations," was made the special order for 10:15 A. M. to-morrow.

J. G. Sanders, chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER:—Your Committee on Engrossment, to whom was referred substitute for C. B. No. 32, entitled "An Act for the government of unorganized counties," beg leave to state that they have examined said bill, and report the same back to the House correctly engrossed.

On motion of W. F. Sanders, the rules were suspended, and C. B. No. 32, "An Act for the organization of unorganized counties," was read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Mr. Speaker—21.

*Nay*—J. G. Sanders.

Absent—Hyde, McCormick, Witter, and Word.

On motion of W. F. Sanders, the title was amended so as to read as follows: "An Act to provide for the organization of unorganized counties;" and, as amended, the title was agreed to.

On motion of Mr. Sanders (of Lewis and Clarke), the House concurred in Council amendments to H. B. No. 19, "An Act to amend an act concerning license."

The bill was then ordered enrolled.

H. B. No. 3, a bill for "An Act to facilitate the capture of robbers," was taken up, and, on motion of Mr. Howell, the House refused to concur in Council amendments thereto, and ask the Council to recede.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 15th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. B. No. 65, "An Act to amend an act entitled 'An Act to provide for the redemption of the funded debt of Lewis and Clarke county,'" approved February 5th, 1876, has passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Sanders (of Lewis and Clarke), the rules were suspended, and H. B. No. 65, "An Act to amend an act to provide



for the redemption of the funded debt of Lewis and Clarke county," approved February 5th, 1876, was considered enrolled.

Mr. Sanders (of Lewis and Clarke), from the conference committee to whom was referred C. B. No. 28, reported as follows:

MR. SPEAKER:—Your conferrees of the conference committee of the two Houses on their disagreement as to House amendment to C. B. No. 28, a bill for "An Act to prohibit persons keeping gaming houses from permitting minors to gamble therein," have met the conferrees of the Council, and inasmuch as they seem disinclined to recommend that the Council concur in the House amendment thereto, the said conference committee has concluded to recommend that the House recede from its amendment thereto.

All of which is respectfully submitted.

W. F. SANDERS.

J. C. ROBINSON.

R. P. VIVION.

Report adopted.

On motion of W. F. Sanders, the House receded from their amendments to said bill.

On motion of W. F. Sanders, C. C. R. No. 7 was recommitted to the Committee on Education and Labor, with instructions to report a joint resolution.

On motion of Mr. Mood, the House adjourned.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

## FORTIETH DAY.

HOUSE OF REPRESENTATIVES, }  
February 16th, 1877. }

The House met pursuant to adjournment—Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Rev. Mr. Hewitt.

Journal of yesterday read and approved.

On leave, W. F. Sanders introduced H. B. No. 78, "An Act as to the duties and emoluments of the Secretary of the territory of Montana;" was read first and second times, and, on motion of Mr. Hickman, the rules were suspended, the bill considered engrossed, read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Hickman, Howell, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—19.

*Nays*—Galen and Robinson—2.

Absent—Dixon, Hyde, Ives, Kessler, and McCormick.

The title was agreed to.

The hour having arrived at which H. B. No. 53, "An Act concerning corporations," was made the special order, the House proceeded to consider the same.

Mr. Robinson moved to amend section 8 as follows: Strike out the word "twenty," in line 6, and insert "ten" in lieu thereof; which motion was lost.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were presented to the Governor at 9 o'clock P. M., February 15th, 1877: C. B. No. 52; C. B. No. 56; C. No. 30; C. B. No. 51.

HYDE.

The following communication was received from the Governor:

MONTANA TERRITORY,  
EXECUTIVE DEPARTMENT, }  
HELENA, February 15th, 1877.

*To the House of Representatives:*

I have the honor to inform the House of Representatives that I have this day approved the following bills, to-wit: H. J. R. No. 4, without title; H. B. No. 22, entitled "An Act to encourage the manufacture of woolen fabrics in the territory of Montana;" H. B. No. 35, entitled "An Act for the relief of W. F. Wheeler;" H. B. No. 58, entitled "An Act to change the name of the Stinking Water river;" also, February 15th, at 1:15 o'clock P. M., H. B. No. 14, entitled "An Act re-apportioning the members of the Legislative Assembly;" also, on the same day, at 6 o'clock P. M., I approved the following bills: H. B. No. 12, entitled "An Act to authorize the Governor to contract for the keeping and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge;" H. B. No. 20, entitled "An Act to protect the treasuries of the counties and of the territory of Montana."

Respectfully,

B. F. POTTS.

Mr. Robinson moved the adoption of the following amendment to section 21, line 3: Insert the words "actually paid in;" which motion was lost.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—I am instructed to inform your honorable body that C. B. No. 60, "An Act to provide for the relief of the

finances of Beaver Head county," also, C. J. M. No. 5, praying for grant of land to aid in construction of railroads," have passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of W. F. Sanders, the Clerk was instructed to insert amendment to H. B. No. 53, "An Act concerning corporations."

On motion of Mr. Sanders, the rules were suspended, the bill considered engrossed, read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Hickman, Howell, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, and Witter—18.

*Nays*—Galen, Ives, Robinson, and Thompson—4.

Excused—Mr. Hyde.

The title was agreed to.

On motion of W. F. Sanders, the House concurred in Council amendments to H. J. R. No. 2, and the resolution was ordered enrolled.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled:

H. B. No. 74, "An Act authorizing the administrator of the estate of J. H. Rodgers, deceased, to sell the property of said estate."

H. B. No. 33, "An Act to provide for publishing the reports of the supreme court of the territory."

H. B. No. 61, "An Act relating to probate courts and estates of deceased persons."

C. J. M. No. 4, in relation to territorial officers.

H. B. No. 25, "An Act to consolidate county offices of Meagher, Chouteau, Jefferson, Gallatin, and Missoula counties."

H. B. No. 59, "An Act to provide a code of civil procedure."

Mr. Speaker announced that he would sign H. B. No. 33, "An Act to provide for publishing the reports of the supreme courts;" H. B. No. 25, "An Act to consolidate the offices of Meagher, Jefferson, Chouteau, Gallatin, and Missoula counties;" H. B. No. 61, "An Act relating to probate courts;" H. B. No. 59, "An Act to provide a code of civil procedure for the territory of Montana;" H. B. No. 74, "An Act to authorize the administrator of the estate of J. H. Rodgers to sell the property of said estate."

C. B. No. 60, "An Act to provide for the relief of the finances of Beaver Head county." On motion of Mr. Word, the rules were suspended, and the bill read the first, second, and third times by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word—23.

*Nay*—Mr. Speaker—1.

Absent—Dixon and Robinson.

The title was agreed to.

On motion of Mr. Howell, the rules were suspended, and H. B. No. 70, "An Act to provide for the care and custody of the arms and ammunition belonging to the territory," was considered engrossed, read the third time by title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—24.

*Nays*—None.

Absent—Messrs. Dixon and Robinson.

The title was agreed to.

Mr. Ives, Chairman of the Committee on Education and Labor, reported as follows:

MR. SPEAKER:—Your Committee on Education and Labor, to whom was recommitted C. C. R. No. 7, with instructions to draft a joint resolution in lieu of C. C. R. No. 7, report back the accompanying substitute in lieu of the C. C. R.

On motion, the report was adopted.

Mr. Rotwitt reported as follows:

MR. SPEAKER:—Your Committee on Indian Affairs, to whom was referred C. B. No. 53, report the same back without recommendation.

Mr. Brainard, chairman of the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER:—Your Committee on Territorial Affairs, to whom was referred C. B. No. 31, "An Act to amend section 261 of the civil practice act," have had the same under consideration and beg leave to report the said bill back to the House without recommendation.

On motion of W. F. Sanders, the rules were suspended, and Mr. Sanders (of Lewis and Clarke) introduced H. B. No. 79, "An Act to define assessable property." Read first and second times, and referred to the Committee on Territorial Affairs.

Mr. W. F. Sanders moved to suspend the rules and consider H. B. No. 76, "An Act to amend an act to establish and regulate the fees of assessors, coroners, and other officers in the territory of Montana," engrossed, read the third time by title, and put upon its final passage; which motion prevailed.

On motion of Mr. Word, the House took a recess until 2 o'clock P. M.

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2 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.



H. B. No. 76, "An Act to amend an act to establish and regulate the fees of assessors, coroners, and other officers in the territory of Montana," was read the third time by title, and Mr. McCormick moved that the bill be recommitted to the Committee on Ways and Means, with instructions to report it back with the following amendment: Strike out all of section 1 after the word "just," in line 14 of said section, and insert in lieu thereof, "the amount thus allowed shall be in full of all compensation allowed for the service of such assessor now required by law;" which motion was lost by the following vote:

*Ayes*—Batchelder, Galen, McCormick, Mood, Rotwitt, Robinson, J. G. Sanders, Sanders (of Lewis and Clarke), Steell, and Witter—10.

*Nays*—Brainard, Chadwick, Davis, Hickman, McElroy, Porter, Robbins, Vivion, Word, and Mr. Speaker—10.

Absent—Dixon, Howell, Hyde, Ives, Kessler, and Thompson.

Mr. Chadwick moved a call of the House.

Absent—Dixon and Thompson.

On motion of Mr. McCormick, further proceedings under the call were dispensed with.

H. B. No. 76, "An Act to establish the fees of assessors and other officers in this territory," was lost by the following vote:

*Ayes*—Batchelder, Hickman, Robinson, J. G. Sanders, W. F. Sanders, Steell, Witter, and Word—8.

*Nays*—Brainard, Chadwick, Davis, Galen, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robbins, Vivion, and Mr. Speaker—15.

C. B. No. 2, "An Act relating to the election of assessors," was taken up, and, on motion of Mr. Chadwick, the amendments reported by the committee were adopted.

On motion of Mr. Word, the amendments were considered engrossed, and the bill was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Galen, Hickman, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Vivion, Word, and Mr. Speaker—16.

*Nays*—Davis, Hyde, Ives, Sanders (of Lewis and Clarke), Steell, and Witter—6.

Absent—Dixon, Howell, McCormick, and Thompson.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—The Council refuse to concur in House substitute for C. B. No. 32, "An Act for the government of unorganized counties."

Respectfully,

HARRY R. COMLY, *Chief Clerk*.

On motion of Mr. McElroy, H. B. No. 46, "An Act exempting the wages of employes from attachment," was taken from the table.

On motion of Mr. Robinson, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Galen, Ives, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Steell, Word, and Mr. Speaker—14.

*Nays*—Brainard, Chadwick, Davis, Dixon, Hickman, Howell, Kessler, Sanders (of Lewis and Clarke), and Vivion—9.

Absent—Hyde, Thompson, and Witter.

The title was agreed to.

On motion of Mr. Word, the substitute for C. C. R. No. 7, was adopted.

On motion of Mr. McCormick, the substitute was considered engrossed, read the third time by its title, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, Word, and Mr. Speaker—21.

*Nays*—None.

Absent—Davis, Howell, Hyde, Thompson, and Witter.

The title was agreed to.

C. B. No. 32, "An Act concerning unorganized counties," was taken up.

Mr. Vivion moved that the House insist on their amendments, and ask that a conference committee be appointed; motion prevailed, and Messrs. Vivion and Word were appointed on the part of the House.

The following majority report was presented by Mr. Chadwick, from the Committee on Towns and Counties:

MR. SPEAKER:—A majority of your Committee on Towns and Counties, to whom was referred H. B. No. 72, "An Act to prescribe the duties of county commissioners," beg leave to report the same back to the House, and recommend that it do not pass.

JAS. A. HYDE.

W. F. CHADWICK.

H. A. THOMPSON.

Mr. Brainard made the following minority report:

MR. SPEAKER:—A minority of your Committee on Towns and Counties, to whom was referred H. B. No. 72, entitled "An Act to prescribe the duties of county commissioners," beg leave to report the same back to the House, and recommend that it do pass.

H. B. BRAINARD.

J. G. SANDERS.

On motion of Mr. Brainard, the minority report was adopted.

Mr. McCormick moved a call of the House.

On motion of Mr. Robinson, further proceedings under the call were dispensed with.

Mr. Chadwick moved that C. B. No. 31, "An Act to amend section 261 of the civil practice act of the territory of Montana," be indefinitely postponed; which motion prevailed, by the following vote:

*Ayes*—Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McCormick, Mood, Porter, Robinson, Robbins, Vivion, and Mr. Speaker—16.

*Nays*—Batchelder, Ives, Rotwitt, Sanders (of Lewis and Clarke), Sanders (of Jefferson), and Word—6.

Absent—McElroy, Thompson, and Witter.

Mr. McCormick gave notice that he would, on this evening at 4:30 o'clock, move to reconsider the vote by which C. B. No. 31 was indefinitely postponed.

Mr. Robinson made the following majority report:

MR. SPEAKER:—A majority of your committee to whom was referred C. B. No. 50, "An Act to authorize the county commissioners of Deer Lodge county to perform certain duties," beg leave to report that they have considered said bill, and report, as special facts, as follows:

That we believe the road in said bill named would be beneficial to said county; that it would open direct communication between the populous portions of Deer Lodge county and a good agricultural portion of Missoula county, to which there is now no communication except by a road that is from fifty to one hundred miles longer than the road named in this bill.

Your committee, therefore, recommend the passage of the bill without amendment.

J. C. ROBINSON.

B. T. PORTER.

J. McELROY.

The report was adopted.

On motion of Mr. McCormick, the rules were suspended, and the bill was read the third time by title, and lost by the following vote:

*Ayes*—Davis, Galen, Ives, McCormick, Mood, Porter, Robinson, W. F. Sanders, Steell, Mr. Speaker—10.

*Nays*—Batchelder, Chadwick, Dixon, Hickman, Howell, Hyde, Rotwitt, Robbins, J. G. Sanders, Vivion, and Word—11.

Mr. Chadwick reported as follows:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred H. B. No. 64, "An Act relating to fees of officers and taxation of costs," beg leave to report that it has had the same under consideration, and recommend that the accompanying substitute do pass.

On motion of Mr. Chadwick, the substitute was adopted.

Mr. Chadwick moved to suspend the rules and consider the substitute engrossed; which motion was lost.

Mr. Chadwick moved a call of the House.

On motion of Mr. McCormick, the further call was dispensed with.

On motion of Mr. Porter, H. B. No. 64, "An Act relating to the fees of officers and the taxation of costs," was indefinitely postponed.

On motion of Mr. Word, the substitute for H. J. R. No. 3 was adopted.

Mr. Word moved that the rules be suspended, and the substitute be considered engrossed, and put upon its final passage; which motion prevailed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Steell, Thompson, Vivion, Word, Mr. Speaker—23.

*Nays*—J. G. Sanders and W. F. Sanders—2.

Absent—Witter.

Mr. Hyde, from the Joint Committee on Enrollment, reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled: H. B. No. 60; H. B. No. 62; H. B. No. 52; H. J. R. No. 6; H. B. No. 65; H. B. No. 75; H. J. R. No. 2; H. B. No. 19; H. J. R. No. 5; C. B. No. 28.

HYDE.

Also, as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were handed to the Governor at 2:50 P. M., February 16th, 1877: H. B. No. 74; H. B. No. 61; H. B. No. 59; H. B. No. 33; H. B. No. 25.

Mr. Speaker announced that he had signed H. Bs. Nos. 60, 62, 52, 65, 75, and C. B. No. 28, H. J. R. No. 5, H. J. R. No. 6, H. J. R. No. 2, H. C. R. No. 5, and C. B. No. 28.

Substitute for H. J. R. No. 3 was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Galen, Hickman, Howell, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Steell, Thompson, Vivion, Word, Mr. Speaker—20.

*Nays*—Davis, Ives, Sanders (of Jefferson), W. F. Sanders—4.

Absent—Hyde and Witter.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following bills have passed the Council: C. B. No. 61, "An Act to fix the time of holding sessions of the Legis-



lative Assembly," etc; also, C. B. No. 62, "An Act to change the name of Big Horn county, Montana territory, to Custer county;" also, H. B. No. 38, "An Act concerning stallions," as amended, and title amended.

That the Council refuse to adopt the report of the conference committee on H. B. No. 3.

That the Council have concurred in House amendments to C. B. No. 2, "An Act providing for the election of county assessors."

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

Mr. Sanders (of Lewis and Clarke) moved a call of the House.

Absent—Dixon, Robinson, and Witter.

Mr. Brainard moved that further proceedings under the call be dispensed with; which motion was lost.

On motion of Mr. Hickman, further proceedings under the call were dispensed with.

Mr. Porter appealed from the decision of the chair; and, upon the question being put, "Shall the chair be sustained?" it was decided in the affirmative.

On motion of Mr. Witter, the House concurred in Council amendments to H. B. No. 10, "An Act to provide for the holding of county teachers' institutes."

And the bill was ordered enrolled.

Mr. J. G. Sanders moved that the House do concur in the Council amendments to H. B. No. 43, "An Act authorizing counties to change their county seats on certain conditions; motion lost.

On motion of W. F. Sanders, the House disagreed to Council amendments, and respectfully ask the Council to recede.

C. B. No. 61, "An Act to fix the time of holding the regular session of the future Legislative Assembly of the territory of Montana," was read the first and second times, rules suspended, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Chadwick, Dixon, Galen, Hickman, Howell, Ives, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—22.

*Nays*—None.

The title was agreed to.

C. B. No. 62, "An Act to change the name of Big Horn county to Custer county," was read the first and second times, rules suspended, read the third time, and put on its final passage.

On motion of Mr. McCormick, the members arose to their feet and remained standing until the vote should be announced by the Speaker.

The bill was then read the third time by title, and passed.

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Ives, Kessler, McCormick, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—24.

*Nays*—None.

Absent—Howell and Hyde.

The title was agreed to.

C. J. M. No. 5 was read the first and second times, rules suspended, read third time by title, and put upon its final passage; motion lost.

The memorial was then referred to the Committee on Federal Relations.

C. J. M. No. 6 read the first and second times, and, on motion of Mr. Sanders, the rules were suspended, the memorial read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, McElroy, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Vivion, Witter, Word, and Mr. Speaker—18.

*Nays*—None.

The title was agreed to.

Mr. Davis moved that the House take a recess until 7:30 P. M.; motion lost.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were handed to the Governor at 4:54 P. M., February 16th, 1877: H. B. No. 60; H. B. No. 62; H. B. No. 65; H. J. R. No. 6; H. J. R. No. 2; H. B. No. 75; H. B. No. 52; H. B. No. 19; H. J. R. No. 5; C. B. No. 28.

On motion of Mr. Vivion, the House took a recess until 7 o'clock P. M.

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7 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—The Council, on motion of Watson (of Beaver Head), suspended the rules and considered C. B. No. 60, an enrolled bill.

Council concurred in House amendments to C. B. No. 3, "An Act providing for the election of county assessors."

That C. B. No. 54, "An Act to amend sections 18 and 19 of an act in relation to roads and highways," has passed the Council.

That C. B. No. 59, "An Act concerning dogs," has passed the Council.

That H. B. No. 41, "An Act to protect persons and property," has passed the Council.

That substitute for H. B. No. 53 was laid on the table.

H. B. No. 78, "An Act as to the duties of the Secretary of Montana territory, etc.," was rejected.

Mr. President appointed Messrs. Hays and Watson a committee of conference on C. B. No. 32.

The Council concurred in the House substitute for C. C. R. No. 7, in relation to printing.

H. B. No. 46, a bill exempting wages of employes from attachment," was rejected.

H. B. No. 70, "An Act to provide for the care and custody of arms, etc.," has passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk*.

C. B. No. 35, "An Act to amend chapter 40 of the codified statutes," was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Dixon, Howell, Hyde, Kessler, Mood, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Witter, and Mr. Speaker—17.

*Nays*—Messrs. Galen, Hickman, Porter, and Vivion—4.

Absent—Davis, Ives, McCormick, McElroy, and Word.

On motion of Mr. Chadwick, the title was so amended as to read as follows:

A bill for "An Act to amend chapter 40 of an act entitled 'An Act revising, re-enacting, and codifying the general and permanent laws of Montana,'" approved January 12th, 1872.

The title, as amended, was agreed to.

Mr. Vivion moved that the vote by which C. B. No. 50 was lost, be reconsidered; which motion was lost.

H. B. No. 41, "An Act to protect persons and property," also, H. B. No. 70, "An Act to provide for the care and custody of the arms of Montana territory," were ordered enrolled.

C. B. No. 59, "An Act concerning dogs," was read first time, and, on motion of Mr. Sanders (of Lewis and Clarke), was rejected.

C. B. No. 54, "An Act to amend sections 18 and 19 of an act in relation to roads and highways," was read first and second times. On motion of Mr. Sanders (of Lewis and Clarke), the bill was read the third time by title, and put upon its final passage, and was lost by the following vote :

*Ayes*—McCormick and Witter—2.

*Nays*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Hyde, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Word, and Mr. Speaker—23.

Absent—Mr. Ives.

Mr. Howell reported as follows :

MR. SPEAKER:—Your committee of conference on the part of the House, on H. B. No. 3, "An Act to facilitate the conviction of robbers," respectfully report that they have met a similar committee on the part of the Council, and that the said Council committee will recommend that the Council do recede from their amendments, and will so report.

H. S. HOWELL.

J. A. DIXON.

W. F. SANDERS.

H. B. No. 68, a bill for "An Act concerning county poor," was read the third time, and passed by the following vote:

*Ayes*—Davis, Hickman, Howell, Hyde, Kessler, McElroy, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, and Mr. Speaker—18.

*Nays*—Batchelder, Chadwick, Dixon, and Galen—4.

Absent—Brainard, Ives, McCormick, and Word.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,  
February 16th, 1877. }

MR. SPEAKER:—The Council have adopted the report of the committee of conference, and receded from their amendments to H. B. No. 3, "An Act to facilitate the conviction of robbers."

The Council have receded from their objections to House substitute for C. B. No. 32, and have concurred therein, and ordered the same enrolled.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

H. B. No. 3, "An Act to facilitate the conviction of robbers," was ordered enrolled.

H. B. No. 72, "An Act to prescribe the duties of county commissioners," was taken up. On motion of J. G. Sanders, the rules were suspended, the bill considered engrossed, read the third time, and lost by the following vote:

*Ayes*—Batchelder, Brainard, Davis, Howell, Ives, McCormick, Mood, Porter, J. G. Sanders, W. F. Sanders, Steell, and Witter—12.

*Nays*—Chadwick, Dixon, Galen, Hickman, Hyde, Kessler, McElroy, Rotwitt, Robinson, Robbins, Thompson, Vivion, Word, and Mr. Speaker—14.

On motion of Mr. Word, H. B. No. 73, "An Act in relation to homesteads," was indefinitely postponed.

H. B. No. 67. "An Act to prevent trespass," was, on motion of Mr. Chadwick, indefinitely postponed.

On motion of Mr. McCormick, the rules were suspended, and Mr. Hickman introduced H. B. No. 80, "An Act in relation to the duties of the Territorial Treasurer."

Mr. Vivion moved to indefinitely postpone H. B. No. 77, "An Act to create a board of equalization;" which motion was lost.

J. G. Sanders moved that the rules be suspended, the bill considered engrossed, and read the third time; which motion was lost.



On motion of W. F. Sanders, the bill was laid on the table.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report the following bills correctly enrolled: H. B. No. 10; C. B. No. 60; H. B. No. 41; H. B. No. 70; H. B. No. 3; C. C. R. No. 7; C. B. No. 2.

On leave, Mr. W. F. Sanders introduced H. B. No. 81, a bill regarding the tenure of subordinate offices.

Mr. W. F. Sanders moved that the Committee on Ways and Means be required to report H. B. No. 79 immediately; motion lost.

The following communication was received from the Governor:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
HELENA, February 16th, 1877. }

*To the House of Representatives:*

I have the honor to inform the House of Representatives that I have this day, at 8 o'clock P. M., approved the following bills: H. B. No. 52, entitled "An Act in relation to the collection and disbursement of the revenues of Missoula county, and for other purposes;" H. B. No. 74, entitled "An Act authorizing the administrator of the estate of John H. Rodgers, deceased, to sell the property of said estate;" H. B. No. 25, entitled "An Act to consolidate the county offices of Meagher, Chouteau, Jefferson, Gallatin, and Missoula counties;" H. B. No. 19, entitled "An Act to amend an act concerning license," approved May 8th, 1873; also, at 8 o'clock P. M. of said day, I approved the following bills, to-wit: H. B. No. 75, entitled "An Act to amend the Helena incorporation act;" H. J. R. No. 2; H. J. R. No. 6; H. J. R. No. 5, for the relief of George D. C. Hibbs; H. B. No. 65, entitled "An Act to amend an act entitled 'An Act to provide for the redemption of the funded debt of Lewis and Clarke county,'" approved February 5th, 1876; H. B. No. 62, entitled "An Act to regulate the sale of

water, and encourage the pursuits of industry," and H. B. No. 31, entitled "An Act to aid in the construction of a railroad to Montana."

Respectfully,

B. F. POTTS.

The following communication was received from the Council :

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—The Council have concurred in House amendment to C. B. No. 35.

H. B. No. 68 was rejected.

H. J. R. No. 3, for the relief of Kerley, McQuaid, and Lacroix, has passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk*.

H. J. R. No. 3 was ordered enrolled.

On motion of W. F. Sanders, the rules were suspended, and H. B. No. 80 was read first and second times.

On motion of Mr. Sanders (of Lewis and Clarke), the bill was considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Ives, Kessler, McCormick, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—23.

*Nays*—None.

*Absent*—Howell, Hyde, and McElroy.

The title was agreed to.

Mr. McCormick reported as follows:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred C. J. M. No. 5, asking for a grant of land in aid of a

railroad, beg leave to report the same back to the House, with the recommendation that it do pass.

Report adopted.

On motion of Mr. McCormick, the rules were suspended, the memorial was read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Galen, Hickman, Kessler, McCormick, Mood, Porter, Rotwitt, Robinson, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, and Mr. Speaker—21.

*Nays*—Dixon and Ives—2.

Absent—Howell, Hyde, and McElroy.

The title was agreed to.

On motion of Mr. McCormick, C. B. No. 41 was indefinitely postponed.

On motion of Mr. Chadwick, C. B. No. 58 was indefinitely postponed.

On motion of Mr. Vivion, C. B. No. 57 was indefinitely postponed.

On motion of Mr. McCormick, C. B. No. 53 was indefinitely postponed.

Mr. W. F. Sanders moved to indefinitely postpone H. B. No. 38, "An Act concerning stallions;" which motion was lost.

Mr. W. F. Sanders moved to amend as follows: Strike out the words "suffer loss," and insert "suffer again;" which motion was lost.

On motion of Mr. Word, the Council amendments were laid on the table.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—I am directed to inform your honorable body that H. B. No. 9 has been indefinitely postponed in the Council.

The Council have reconsidered their action adopting report of conference committee on C. B. No. 32, and receding from their objections to House substitute therefor.

Respectfully,

HARRY R. COMLY, *Chief Clerk*.

H. B. No. 81, a bill for "An Act regarding the tenure of subordinate offices," was read first and second times, rules suspended, considered engrossed, read the third time, and passed by the following vote:

*Ayes*—Batchelder, Brainard, Chadwick, Davis, Dixon, Galen, Hickman, Howell, Ives, Kessler, Mood, Porter, Rotwitt, Robbins, Sanders (of Jefferson), Sanders (of Lewis and Clarke), Steell, Thompson, Vivion, Witter, Word, Mr. Speaker—22.

*Nay*—Mr. Robinson.

Absent—Hyde, McCormick, and McElroy.

The title was agreed to.

On motion of W. F. Sanders, the following resolution was adopted:

*Resolved by the House of Representatives*, (the Council concurring), That the session of the Legislative Assembly, for the fortieth day, shall commence at 10 o'clock A. M. of February 16th, 1877, and shall continue without adjournments by either House, but with such recess or recesses as shall suit the members of each House respectively, to be by it determined according to the exigencies of the public business, and that the two Houses will adjourn *sine die* at the hour of 11:55 P. M., February 16th, 1877.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were presented to the Gov-

ernor at 8:53 P. M., February 16th, 1877: H. B. No. 10; H. B. No. 3; C. B. No. 60; C. C. R. No. 7; H. B. No. 41; H. B. No. 70; C. B. No. 2.

On motion of Mr. Chadwick, the House took a recess until 10:30 o'clock P. M.

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10:30 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. W. F. Sanders, the House took a recess to 11:15 P. M.

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11:15 O'CLOCK P. M.—The House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER, }  
February 16th, 1877. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that H. B. No. 80, "An Act relating to the duties of Territorial Treasurer," has passed the Council.

Respectfully,

HARRY R. COMLY, *Chief Clerk.*

On motion of Mr. Word, H. B. No. 80, "An Act relating to the duties of Territorial Treasurer," was considered enrolled.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills are correctly enrolled: Four

copies C. J. M. No. 5; four copies C. J. M. No. 6; H. J. R. No. 3; H. B. No. 80; C. B. No. 35; C. B. No. 62; C. B. No. 61.

Mr. Speaker announced that he would sign C. J. Ms. Nos. 5 and 6; H. J. R. No. 3; H. B. No. 80; C. Bs. Nos. 35, 61, and 62.

On motion of Mr. Sanders (of Lewis and Clarke), the following resolution was adopted:

This House of Representatives, disclaiming obedience to custom and yielding nothing to precedent, does, nevertheless, declare its judgment that the efficiency and fairness which the Speaker of this House, the Hon. Alexander E. Mayhew, has manifested while presiding over its deliberations, deserves recognition, and it does, therefore, resolve that the thanks of the House are due, and are hereby cordially tendered, to Mr. Speaker Mayhew, for the courtesy which he has manifested, the fairness he has shown, and the efficiency he has exhibited in conducting the business at this session of the Legislative Assembly.

The following communication was received from the Governor:

MONTANA TERRITORY,  
EXECUTIVE DEPARTMENT, }  
HELENA, February 16th, 1877. }

*To the House of Representatives:*

I have the honor to inform the House of Representatives that I have this day, at 9 o'clock P. M., approved the following bills, to-wit: H. B. No. 61, entitled "An Act relating to probate courts and estates of deceased persons;" H. B. No. 59, entitled "An Act to provide a code of civil procedure in the territory of Montana;" H. B. No. 70, entitled "An Act to provide for the care and custody of the arms belonging to the territory of Montana, and for other purposes;" H. B. No. 3, entitled "An Act to facilitate the conviction of robbers;" H. B. No. 10, entitled "An Act to authorize the holding of county teachers' institutes;" H. B. No. 60, entitled "An Act to provide for the copying of laws for publication;" H. B. No. 41, entitled "An Act to protect persons and property;" H. B. No. 33, entitled "An Act to provide for publishing the reports of the supreme court of the territory."

Respectfully,

B. F. POTTS.



Mr. Word in the chair.

On motion of Mr. Hickman, a committee of three was appointed to await upon the Governor and see if he had any further communication to make to the House.

Messrs. Hickman, Robinson, and Thompson were appointed said committee.

A communication was received from the Council, through Mr. Ford, chairman of the committee appointed for that purpose, asking if the House had any further communication to make to the Council.

Messrs. Sanders, Vivion, and Chadwick were appointed a committee to inform the Council that the House had no further communication to make.

The following resolution was, on motion of Mr. Sanders (of Lewis and Clarke), adopted:

*Resolved*, That the House express its thanks to its Chief Clerk, Mr. A. H. Barret, and the other officers of this House are entitled to its thanks for the efficient and faithful manner with which they have discharged their duties; and that the Speaker be requested to sign a copy of this resolution and present the same to each subordinate officer of the House of Representatives at its present session.

Mr. Hyde reported as follows:

MR. SPEAKER:—Your Joint Committee on Enrollment beg leave to report that the following bills were handed to the Governor at 11:45 o'clock P. M., February 16th, 1877: C. B. No. 35; C. B. No. 62; H. J. R. No. 3; C. B. No. 61; H. B. No. 80.

The following communication was received from the Governor:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
HELENA, February 16th, 1877. }

*To the House of Representatives:*

I have the honor to inform the House of Representatives that I have this day, at 11:45 o'clock, approved H. B. No. 80, entitled "An

Act relating to the duties of the Territorial Treasurer;” also, H. J. R. No. 3.

Respectfully,

B. F. POTTS.

Mr. Hickman, chairman of the committee to await upon the Governor and inquire if he had any further communication to make, reported that they had performed that duty.

On motion, the committee were discharged.

Mr. Sanders (of Lewis and Clarke), chairman of the committee to wait upon the Council and inform them that the House had no further communication to make, reported that they had performed that duty.

On motion of Mr. Word, the journal was considered, read, and approved.

The hour of 11:55 having arrived, the House of the Tenth Legislative Assembly adjourned *sine die*.

A. E. MAYHEW,

*Speaker of the House of Representatives.*

*Attest:* A. H. BARRET, *Chief Clerk.*

OFFICE OF THE SECRETARY OF MONTANA, }  
HELENA, March 5th, 1877. }

I, James E. Callaway, Secretary of Montana Territory, do hereby certify that the foregoing journal of the House of Representatives of the Tenth Legislative Assembly of the Territory of Montana, is a full and correct copy of the original journal now in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Montana, this the day and year above written.

[SEAL.]

J. E. CALLAWAY, *Secretary.*















